BENGAL LEGISLATIVE COUNCIL
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Proceedings of the Council

BENGAL LEGISLATIVE
24 JAN 14
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OF THE

LIEUT.-GOVERNOR OF BENGAL

FOR THE PURPOSE OF

MAKING LAWS AND REGULATIONS.

Index to Vol. XVII—Part I.

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BENGAL LEGIS. AT. 24 JAN

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FOR THE PURPOSE OF

Making Laws and Regulations

FOR THE YEAR 1885.

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BENGAL LEGISLATIVE COUNCIL
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PROCEEDINGS

OF THE

COUNCIL OF THE LIEUT.-GOVERNOR OF BENGAL,

FOR THE

Purpose of making Laws and Regulations.

Saturday, 10*th January* 1885.

Present:

His Honor the Lieutenant-Governor of Bengal, K.C.S.I., *President.*
The Hon. A. Phillips, *Acting Advocate-General.*
The Hon. H. J. Reynolds.
The Hon. C. P. L. Macaulay.
The Hon. A. P. MacDonnell.
Colonel the Hon. S. T. Trevor, R.E.
The Hon. C. B. Garrett.
The Hon. Moulvie Abdul Jubbar.
The Hon. A. B. Miller.
The Hon. Chunder Madhub Ghose.
The Hon. Kumar Baikanto Nath Dé.
The Hon. Rai Joy Prokash Lall Bahadoor.
The Hon. G. Irving.

KIDDERPORE DOCKS.

The Hon Mr. Reynolds introduced the Bill to enable the Commissioners for making improvements in the Port of Calcutta to provide docks within the Port, and moved that it be read in Council. He said:—When I moved for leave to introduce this Bill, I gave a brief account of the circumstances under which the Government had been induced to sanction the scheme for the construction of docks at Kidderpore. I explained the pressing want which had been felt of extended accommodation in the Port, and the discussions and enquiries which had eventually led to the conclusion that this accommodation could best be provided by the arrangement recommended by the Port Commissioners and the Chamber of Commerce. But I did not, upon that occasion, enter upon the financial question; and as the Bill before us to-day is essentially a financial measure, the Council will naturally expect that I should offer some remarks upon this aspect of the proposals, and should explain not merely how it is intended to raise the money, but what expenditure is likely to be incurred, and what receipts may be looked for from the outlay.

The Secretary of State, in his despatch of the 11th March last, has distinctl laid down the principle that the ultimate charge for these works is not to fal on the General Revenues, and is not to involve any increase of Imperia or Provincial taxation. I hope to be able to show that this condition ca be fully complied with; that the docks will be not merely self-supporting but remunerative; and that, so far from involving any increase of taxa tion, they will enable the Port Commissioners to lighten the burden upon trade, and will help Calcutta to compete, on more favourable term than before, with places possessed of greater natural advantages.

The Report of the Committee of 1883 gives a careful analysis of receipt and expenditure, based upon the actual trade of the Port for the previou year. Assuming the capital debt to be incurred for the construction of th docks to be Rs. 2,30,75,000, the report shows that the charge for interes would be Rs. 10,38,000, and that the working expenses would be about Rs 7,38,400, making a total of about 17¾ lakhs a year. On the other hand, th receipts would be about 18½ lakhs, giving a surplus of about Rs. 75,000 This estimate of receipts, however, is based upon the actual figures of th trade of 1882-83; it allows for no expansion of traffic, and no increase o tonnage; it assumes that, on the completion of the docks, perhaps four or fiv years hence, there will be no greater demand than existed two years ago But the facts not merely warrant, but require, the belief that the trade anc the demand will continue steadily to increase. The proposed docks wil accommodate 864 ships in the year, in addition to the 200 ships now berthed at the jetties, and the Committee were of opinion that it might safely be anti cipated that the whole of the dock space would be utilized, and that conse quently the receipts from 289 additional ships might fairly be added to the esti mate of income. This would, of course, involve some further outlay for work ing expenses; but the outlay would not exceed 2½ lakhs, while the additional receipts might be taken at 8¾ lakhs. On the whole, it was the view of the Committee that, taking the docks and the jetties together, the income would be very nearly 34 lakhs, while the entire expenditure would be consider ably below 26 lakhs, leaving a surplus of about 8 lakhs and Rs. 12,000, a surplus which would be available towards reducing the general charges of the Port. These figures are, of course, only estimates, and I need not remind the Council that in a work of this magnitude the cost is apt to exceed—and sometimes considerably to exceed—the original estimate. In the present case some of the details of the original plan have been modi fied in deference to the opinions expressed by the professional advisers of the Secretary of State; and these alterations, together with the charges for establishment and for interest during the construction of the docks, will probably increase the capital outlay to a total of nearly three crores of rupees. But on the other hand, some saving will be possible in the estimate of working expenses; and I believe that the Council may safely accept the conclusion of the Committee, *viz.* that "the present trade of the Port will give much more than a sufficient return to cover all working ex-

The Hon. Mr. Reynolds.

penses and interest on capital expended for the construction of the works proposed, and, if the trade of the Port increases as it has hitherto done, and to such an extent as to utilize fully the accommodation which the proposed expenditure will provide, the receipts will be very much increased without adding anything to the expenditure for interest, and only a comparatively small amount to the working charges."

Coming now to the Bill before the Council, I believe I have already explained that it is merely an enabling measure. It empowers the Port Commissioners to construct docks at Kidderpore and to raise loans for that purpose, a power which they are not now authorised to exercise under the law as it stands at present. Sections 4 and 5, which relate to loans, are purposely worded in wide and general terms. It seems quite unnecessary to provide in the Bill what rate of interest should be paid on loans, and under what conditions the loans shall be raised. These are questions the answers to which may vary from time to time, according to the state of the money market and the financial condition of the country. I may mention that the intention at present is that the Port Commissioners should invite public loans on debentures bearing 4½ per cent. interest, and that those loans should be secured in the manner explained in section 5, first, on the security of the docks themselves, and then (subject to the charges already created) upon the other property of the Port Commissioners. The interest on these loans will be guaranteed by the Government, and in section 6 provision has been made, in accordance with the precedent established by the wording of the Act relating to the Bombay Port Trust Act of 1879, that in the event of the Commissioners making default in the payment of interest, the interest shall be paid by the Accountant-General, and section 7 provides for recovering the money so paid with interest at 4½ per cent. Section 9 refers to the advances which have been already made by the Secretary of State for expenditure incurred for the preliminary part of the work which has been already taken in hand, and which has been paid for from public funds as a temporary measure until a loan can be raised under the Act. These advances amount at present to 15 lakhs of rupees, and it is possible that further advances of this kind may be made. In that case the provisions of section 9 will apply to any such further advances in the same way as to the advances already made. Then with regard to section 10, which is mainly based on the existing law, the principal difference is in the third clause, which gives the Lieutenant-Governor power to reduce the rates in case he considers at any time that the Port Commissioners are charging more than what is reasonable and proper. The last two sections of the Bill deal merely with the power to make bye-laws. I do not think it necessary for me to offer any further explanations, and I therefore move that the Bill be read in Council.

The motion was put and agreed to.

The Bill was read accordingly.

The Hon. Mr. Reynolds also moved that the Bill be referred to a Select Committee consisting of the Hon. the Acting Advocate General, the Hon. Mr.

Macaulay, Colonel the Hon. S. T. Trevor, the Hon. Mr. Miller, the Hon. Mr. Irving and the Mover, with instructions to report in a fortnight.

The motion was put and agreed to.

The Council was adjourned to Saturday, the 17th instant.

By subsequent order of the President, the Council was postponed to Saturday, the 24th instant.

Saturday, 24th January 1885.

Present:

His Honor the Lieutenant-Governor of Bengal, K.C.S.I., *President.*
The Hon. A. Phillips, *Acting Advocate-General.*
The Hon. H. J. Reynolds.
The Hon. C. P. L. Macaulay.
The Hon. A. P. MacDonnell.
Colonel the Hon. S. T. Trevor, R.E.
The Hon. C. B. Garrett.
The Hon. Moulvie Abdul Jubbar.
The Hon. A. B. Miller.
The Hon. Kumar Baikanto Nath Dé.
The Hon. G. Irving.

STEAM-BOILERS AND PRIME-MOVERS.

The Hon. Mr. Reynolds in introducing the Bill to amend Bengal Act III of 1879, said:—The object of this Bill is to amend the Act which provides in Bengal for the periodical examination of boilers and prime-movers in Calcutta, the Suburbs, and Howrah by Inspectors appointed by the Government. As far as boilers are concerned, the Act, so far as I know, has worked smoothly and successfully. But it has been represented to the Government that in regard to prime-movers the Act has practically been a dead letter, and that its provisions in reference to prime-movers have never been enforced. It was represented that, while it was a comparatively easy matter to inspect and examine the condition of a boiler, the examination of prime-movers, such as is contemplated in the Act, will involve the stoppage of the machinery, and in a certain degree the dismantling of the engine, and that this would cause serious inconvenience and hindrance to business; while at the same time the risk to the Public from the condition of a prime-mover is not of such a kind as to justify the inconvenience and the interruption of business which a strict application of the law would necessitate. This question was brought before the Government some months ago by the Commissioners who are charged with the administration of the law, and the Government referred it for the opinion of a number of firms and companies who employ machinery of the kind referred to in the Act, and

The Hon. Mr. Reynolds.

also for the opinion of the Chamber of Commerce, and in reply a very general opinion was expressed by those who were consulted that all reference to prime-movers should be expunged from the Act, and that the law should provide for the inspection of boilers only. This, however, did not seem an entirely satisfactory solution of the question, as it would be a distinctly retrograde step in legislation. It did not appear desirable that the Government should entirely surrender the power of examining the condition of prime-movers, and the proposed change would also place the law in Bengal on a very different footing from the law which prevails in other provinces of India. The law in Bombay and in British Burmah is in some respects far more stringent than the law which prevails in Bengal. Not only does it require that a license should be issued for permitting the working of boilers and prime-movers, but it declares that no license shall be granted for the working of a boiler or prime-mover, unless the Engineer in charge is an Engineer who has received a certificate of competency from the Government. That very stringent Regulation has no corresponding clause in the Bengal Act. The law in Bombay is contained in Act V of 1873 of the Bombay Council. That Act does not apply to prime-movers of less than ten nominal horse-power; but with regard to other prime-movers, it provides for the examination of persons who intend to become Engineers in charge of boilers and prime-movers, and for the grant of certificates of competency to such persons; and it further provides that no person shall be in charge of a boiler or prime-mover unless he possesses a certificate of competency, and that no license shall be granted for the working of a boiler or prime-mover unless there is a certificated Engineer in charge. The law in force in British Burmah is Act XVIII of 1882, and it provides in the same way for the grant of certificates of competency to Engineers, and it divides Engineers into first and second class Engineers, and it declares in the same way as the Bombay Act that no boiler or prime-mover shall be licensed unless it is in charge of a certificated Engineer. But it contains a further provision which does not appear in the Bombay Act, and this declares that on the certificate of an Engineer of the first class, with regard to the condition of a boiler or prime-mover of which he is in charge, a license for the working of the engine shall be granted without an examination by the Inspector being required. That Act, I may mention, has been supplemented during the present year by a short Act, which allows a certificate to be granted to an engine-driver for engines of not more that ten horse-power. The provisions of the Burmah Act seem to offer a way out of the difficulty which has been felt in Bengal without going to the extreme step of striking out of the Act all reference to prime-movers. The Bill therefore provides, and this is in accordance with the recommendation of the Boiler Commissioners, for the grant of certificates to Engineers, and it also proposes the introduction of a new section after section 7, allowing the licensing of a prime-mover on the report of a certificated Engineer. The Bill does not propose to extend this new section to boilers. The object of legislation of this kind is to interfere as little as may be possible, compatible with the maintenance of such precautions as are necessary, for the security of the work-

people employed and of the general Public, and that object would perhaps be imperfectly attained if we were to give *any* certificated Engineer power practically to grant a license, or were to allow a license to be granted on his report, and were to dispense in such cases with any official inspection of the boiler. It has been represented to Government that, even if a prime-mover should be in an unsatisfactory condition, this involves comparatively little risk, whereas a boiler explosion is a very serious matter indeed. If we are to give the same power as is given under the Burmah Act for either boilers or prime-movers to be licensed on the report of the Engineer in charge, we should have to be very cautious in granting certificates of competency to Engineers: and moreover we should be taking a step for which no practical necessity has been shown, as there are no complaints of the working of the present law in connection with boilers

The Bill, therefore, as at present drafted, proposes that any Engineer who has obtained a certificate of competency as Engineer shall be permitted to make a report in respect of a prime-mover; but it does not extend this provision to boilers, which will remain under the same inspection as at present. I now move that the Bill be read in Council.

The motion was put and agreed to.

The Bill was read accordingly

The HON. MR. REYNOLDS also moved that the Bill be referred to a Select Committee consisting of Colonel the Hon. S. T. Trevor, the Hon. Mr. Miller, the Hon. Mr. Irving, and the Mover with instructions to report thereon.

The motion was put and agreed to

The Council was adjourned to Saturday the 31st instant.

Saturday, 31*st January* 1885.

Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, K.C.S.I., *President.*
The HON. A. PHILLIPS, *Acting Advocate-General.*
The HON. H. J. REYNOLDS.
The HON. C. P. L. MACAULAY.
The HON. A. P. MACDONNELL.
Colonel the HON. S. T. TREVOR, R.E.
The HON. C. B. GARRETT.
The HON. MOULVIE ABDUL JUBBAR.
The HON. A. B. MILLER.
The HON. KUMAR BAIKANTO NATH DÉ.
The HON. RAI JOY PROKASH LALL BAHADOOR.
The HON. G. IRVING.

CANOONGOES AND PATWARIS.

The HON. MR. MACDONNELL said:—I have the honour to move for leave to introduce a Bill for the amendment of the law relating to *Canoongoes* and *Patwaris* in the provinces under the administration of the Lieutenant-Governor of Bengal.

The Hon. Mr. MacDonnell.

In asking for leave to introduce this Bill, I would remind Hon. Members of the remarks which you, Sir, made in connection with this subject on the occasion of our first meeting this Session. You stated that one of the most salutary provisions of the Bengal Tenancy Bill is that one which contemplates a cadastral survey and record of rights wherever the relations between landlord and tenant are strained or unsatisfactory. Dwelling on the difficulties which your Government experiences in ascertaining even the simplest agricultural facts, you said—and in saying it you but expressed the opinion of all competent judges on this question—that in the ascertainment and proper registration of the various rights and interests in the soil lay the true remedy for most of those agrarian troubles which now beset the path of the Administrator in Bengal.

But to ascertain facts and to record them is but the initial step in a policy of agricultural and administrative reform in Bengal. Circumstances alter from time to time, and a record true to-day may be inaccurate to-morrow, if no provision be made for a competent and trustworthy agency for its maintenance up to date. You have informed the Council that plans are now being matured with the consent of the Secretary of State for a survey and record of rights in Behar as an experimental measure, but if we carry these plans into effect, yet have no agency to maintain that record in harmony with the march of events, we shall have laboured in vain. We work for the future, not for the present only, and we therefore deem it essential to establish a competent agency to maintain the record in a correct and useful condition. Granting the necessity in Bengal for a record of facts,—and I presume no one will deny the necessity,—the rest follows as a matter of course.

Sir, during the discussions on the Tenancy Bill, which have occupied so much of the public attention, no charge has been more frequently levelled against the supporters of that measure than the charge of needless innovation. I am not concerned on the present occasion with defending the policy of the Bengal Tenancy Bill; I am content to leave that policy to the verdict of history, confident that history will, in the fulness of time, approve it, as instinct with the spirit of true conservatism which prunes the plant to secure for it a fuller growth. But if there have been even a semblance of reason for the charge of needless innovation made against the Government in connection with the Tenancy Bill, there is surely none for such a charge in connection with the Bill which I am to lay before this Council. In regard to it, at all events, we may claim from our opponents the respect which may be due to those who follow authority and who venerate ancient custom. For, as I proceed to show, the measure I now propose is built on lines of immemorial antiquity, and is vindicated by the results of a century's experience. In order to prove this, I must ask the Council to bear with me, while, at much risk of being tedious, I explain the origin of the system of patwaris and canoongoes, and the causes which have brought that system to its present most unsatisfactory condition.

In Bengal, Sir, from the earliest historic times, the land has been the principal source of public revenue as well as of private wealth, and the regulation of matters connected with the land has therefore always been a chief

object of attention with the ruling power. From Hindu times, we possess but little information as to the policy practically adopted in reference to land revenue administration, or as to the effects of that policy. We know indeed from the Institutes of Manu that the Hindu rulers of the country claimed a certain proportion of the produce of the land, but we have no reliable means of knowing how the rights of Government were enforced, or what agency was employed to enforce them. There are good reasons for believing that the village patwari played an important part in the Hindu system of land revenue administration, and that, when the Mahomedan system was established, the conquerors did not create the office of patwari, but finding it in existence, skilfully turned it to use.

The earliest authentic information which we possess on the Mahomedan system is contained in the Institutes of Timur, but it was not until Sher Shah came to power in 1540, a century and a half after Timur had abandoned India, that systematic efforts were made to regulate the assessment and collection of land revenue. Sher Shah, however, did not live to carry his plans into effect, and it thus remained for the renowned Emperor Akbar to establish, through the agency of his great Minister, the Hindu Rajah Toder Mull, an effective system of land revenue administration. On the details of that system we have sufficient authentic information in the *Ain-i-Akbari*, but for my present purpose it is unnecessary that I should discuss them further than in relation to the institution of canoongoes and patwaris.

Thus limiting my consideration of the question, I may say that the first step taken by Akbar's Government towards effecting an accurate assessment of the land revenue was a measurement of the land and a classification of the soil. The next step was to ascertain the average produce of each bigha of land and to fix the proportion payable to Government. The third step was to lay down rules under which the Government share of the produce might be commuted for a money payment. By this procedure the contribution of each ryot of the soil was proportioned to his capacity to pay; in other words, the rates at which he paid were adjusted to the productiveness of the soil. These rates were called the *pergunnah rates*, and having regard to the principles on which they were fixed, it is no wonder that throughout the length and breadth of the land the people clung to them tenaciously. They still cling to their memory, though through circumstances which I need not now describe, what was a boon to the people has become a bane. What was their shield against unjust exactions has been converted into a formidable weapon by which unjust exactions are enforced.

So much for the assessment of the revenue: I will now say a few words regarding its collection under the Mahomedan system. The revenue was actually collected by officials who were the prototypes, and doubtless in some few cases the progenitors, of the zemindars of to-day. But to secure the interests of Government, it was obviously essential that the dealings of those tax-collectors and their subordinate agents or gomastas with the actual cultivators should be subjected to some check. Accordingly, in order to obtain and preserve the accounts necessary to exercise such a check, the system of patwaris was re-modelled, and the system of canoongoes established.

The Hon. Mr. MacDonnell.

As originally constituted, the canoongoe or "expounder of laws" was an agent of the Imperial Government associated with the tax-collector or zemindar for the purpose of checking and supervising the zemindar's proceedings in regard to the collection of the public revenues. The patwari was the canoongo's subordinate, just as the village gomasta was the zemindar's, and he bore to the gomasta the same relation which the canoongoe bore to the zemindar. Thus there was created a double check on the proceedings of the zemindar, while there was also established an office of record and account to which the cultivators could appeal in defence of their rights and privileges.

The canoongoe and patwari were therefore, under Akbar's system, entirely unconnected with the actual collection of the revenue. Their business was to see that no more than the due amount was taken from the people by the zemindar and his agent, the village gomasta; that the fact of payment was duly recorded; and that other matters connected with the agricultural well-being of the community were duly attended to. In the language of the Fifth Report, "the canoongoe was the confidential agent of Government, the depository and promulgator of the established regulations, whose office was intended as a check on the conduct (in financial transactions) of all the other village officials. Under the superintendence of the canoongoe, or of one of his appointed agents, was placed a certain number of adjacent villages, the accounts of which, as kept by the patwaris, were constantly open to his inspection, and the transactions in which, with regard to the occupancy of land and the distinction of boundaries, came regularly under his cognizance in a form that enabled him at any time, when called upon, to report to the Government the quantity of land under cultivation, the nature of the produce, the amount of rent paid, and generally the disposal of the produce. To his office, moreover, reference might be had to determine contested boundaries, the use of rivers or reservoirs for irrigation, and generally in all disputes concerning permanent property or local usage within the limits of his official range."

Toder Mull's settlement, on the above principles of the Soubah of Bengal, was introduced about the year 1582 A.D., and lasted without material alteration for more than a century. At the end of that period, however, the Mogul Empire had passed its zenith, its hold over the outlying provinces had become relaxed and weak, and the system was introduced of farming the revenue to the highest bidder—a system which, in Eastern countries at least, has always had pernicious results. This state of things soon became incompatible with the maintenance of a system of minute local supervision, and the farmers of the revenue set at nought the inspection of the canoongoe, who thus lost his status and power. In fine, the system of village accounts, which had worked efficiently under the strong rule of Akbar and his great successors, had fallen into decay before the commencement of British rule.

It is generally known, Sir, that although the victories of Clive made the British power paramount in Bengal in 1757, it was not until 1772 that the East India Company assumed the Dewani, or formal administration of the province. Having added the semblance to the substance of sovereignty, one

of the Governor-General's first acts was to resolve his Council into a Committee with the object of prescribing certain regulations for the conduct of business and the government of the country. In the proceedings of this Committee, under date 29th August 1772, occurs the earliest mention of the canoongo's office which I have been able to discover in the records of our Government. "The Committee," so runs the passage, "are of opinion that the utility of the canoongo's office is almost totally suppressed from the change which has taken place in the revenue system. Out of tenderness, however, for the ancient form of Government, and deference to the grants which they hold for their office from the Court of Delhi, the Committee think the head canoongoes may be continued, either receiving their present *rusooms*, or whatever may be considered as an adequate pension, but that all the dues allotted for the support of their officers in the districts may be attached, and these officers enrolled among the monthly servants of each Collector's cutcherry. Thus the Government will still reap the benefit of their knowledge and experience in carrying on the business, whilst a considerable saving will be produced from the resumption of the dues they have hitherto received." This, as I have said, is the earliest reference that I can find to the status of the canoongoes at the time of the assumption of the Dewani by the East India Company. The Company had a few months previously (in May 1772) arranged to let zemindaries throughout the country in farm to the highest bidders with a view to ascertaining what their real assets were, preparatory to a more permanent arrangement. Under a farming system, as I have already said, a knowledge of agricultural details was deemed of slight importance. Hence the canoongoes were at a discount and of as little use to the Company as they were under similar circumstances to the Emperors of Delhi.

The results of letting estates in farm were not, however, satisfactory; and it was deemed expedient to collect additional information by more direct methods as to the real produce and value of the land. A Commission was therefore appointed for the purpose, with the result that in the new settlements made in 1777 the farming system was abandoned, a preference was given to the zemindars, and a settlement made with them, when they agreed to the terms offered. But with the abandonment of the farming system the necessity for agricultural statistics again became apparent, and therefore in February 20th, 1781, by an order of Council, "canoongoes were reinstated in the complete charge and possession of all the functions and powers which constitutionally appertain to the office." During the enquiries made by the Commission to which I have just alluded, the existence and status of patwaris had been already recognized; so that in 1781, a few years before the completion of the decennial settlement, the system of patwaris and canoongoes was formally re-established in Bengal.

The next landmark in the history of the question is the Act 24, Geo. III, Ch. XXV, known as the "Regulating Act." In forwarding this Statute to India, the Court of Directors expressed their opinion that it would be most in accordance with the spirit of the Act to fix a permanent revenue on a review

of the collections of former years. They added that the settlement should in every practicable instance be made with the zemindars, rules being at the same time made for maintaining the rights of other classes according to the usages of the country. Lord Cornwallis was the bearer of these instructions; and on his assumption of office, enquiries were at once set on foot preparatory to the decennial settlement, which was afterwards made permanent. Among other matters the canoongoe question was dealt with, and, as may be inferred from appendix III to the Fifth Report, it was proposed to draw up specific rules for the establishment of canoongoes. The proposal, however, never came to anything, and as, under the permanent settlement, a detailed knowledge of agricultural statistics was no longer necessary to the collection of the revenue, the canoongo's office was abolished in July 5th, 1793, as unnecessary and expensive.

No such fate, however, overtook the patwari. Under the original rules for the decennial settlement, every proprietor was bound to establish a patwari in each village of his estate to keep the ryots' accounts, and when these rules were re-enacted in Regulation VIII, 1793, special provisions regarding patwaris were inserted. It is true that, owing to the limitation of the Government demand, patwaris' accounts were no longer needed for revenue assessment and settlement purposes, but patwaris' accounts were necessary to facilitate the decision of suits in courts of justice between landlord and tenant, and to enable the Collectors to divide estates under the partition laws, without loss to individuals or to Government. Rules were accordingly framed in section 62, Regulation VIII, 1793, and proprietors laid under an obligation to appoint patwaris. This obligation remained, however, honoured more in the breach than in the observance.

The zemindars' inaction did not pass without remonstrance from the revenue officers, for we find from certain papers described as the Revenue Selections, No. 288, that they soon felt the want of the detailed information which the patwaris and canoongoes' accounts used to furnish. The remonstrances had some effect, and Regulation VII, 1799, section 23, directs Collectors to ascertain whether patwaris had been universally appointed, and if not, to appoint them. The injunctions of 1799 were followed up by Regulation 29 of 1803 prescribing in detail the procedure for the appointment of patwaris, and the accounts which they were to furnish. It was, however, all to no purpose. The zemindars met the orders of Government with passive resistance in most cases; while, where patwaris were appointed, the position of zemindari servants, into which they soon sank, nullified the value of their accounts as public records.

At the Permanent Settlement, patwaris (to use Mr. Shore's words) "whether they received their nomination from the canoongoes or from the zemindars, or from any public officers, were servants of the State, and responsible to it for their trusts." In that light they had ever been considered by every native Government; they had formed a necessary link in the chain of public functionaries belonging to the Revenue Department. The Court of

Directors therefore recognizing, in 1815, the utility of the patwaris' services for the protection and security of public as well as of private rights, resolved that their position should be improved, and that a reversion should be made to the state of things which prevailed before Lord Cornwallis's legislation. Accordingly, in the Government letter of 12th August 1815, the Board of Commissioners were directed to give effect to the order of the Court of Directors. "It is the wish of Government," says this letter, "that you should not confine yourselves on the present occasion solely to the establishment of such rules as may be necessary to render the patwaris more immediately the officers of Government, but that, taking the most comprehensive view possible of the subject, you should submit a well digested plan for the constitution of those offices and likewise of the pergunnah canoongoes in the manner best calculated to promote the best interests of Government and of the community." "It will," continues Mr. Secretary Butterworth Bayley, "be of course understood from the preceding remarks that the principal objects to be accomplished are the means of defining the rights of the peasantry and of adjusting with facility such differences as may arise between landlord and tenant." Such, I may add, are some of the objects which the Bengal Government has now in view in introducing this Bill. The objects of its policy are those of Lord Moira's Government, with this addition, that we do not rely on the patwari for a definition of ryots' rights, but for their maintenance when defined by competent authority.

The policy of the Court of Directors and of the Government of the day was welcomed by the Board of Revenue, and the minutes recorded by the Acting President of the Board, Mr. Roche, as well as by that very distinguished revenue authority, Mr. Henry Colebrooke, are of extreme value, not only on the question now before the Council, but on the wider question of the relations of landlord and tenant as established by the Permanent Settlement. The minute of Mr. Colebrooke is very important, but too long for quotation. Hon. Members who desire to consult it will find it at page 378 of the Revenue Selections, volume I.

Thus there was no doubt in the minds of the Government and its revenue advisers in 1815 as to the expediency of the proposed revival of the system of village accounts, but the Judges of the Sudder Dewani Adaulut took a different view on the subject. The Sudder Adaulut was oppressed by the idea that the cost of a system of village Accountants and Registrars would be prohibitive, while the advantages of the system would be neutralized, to quote the Court's words, "by the interest and probable disposition of the landholders to employ other agents in keeping their village accounts and to conceal as much as possible their actual receipts from public officers, whom they will naturally view as checks upon their conduct and as protectors of their under-tenants." There were other objections of a similar nature urged, but the objections of the Sudder Adaulut in my opinion resolve themselves into the two heads of financial difficulties and the opposition to be encountered from the zemindars.

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The objection of the Sudder Adaulut had weight with the Government of Lord Hastings in 1817, and there was much to justify the conclusion that a system of village accounts, which would wholly rely for its information on materials derived from the zemindars alone, would be altogether valueless as an independent record of agricultural facts. To be of value, such a system should be based on information derived from sources whose impartiality could not be impugned; from sources independent of the interests of either party; such sources, for instance, as our proposed survey and record of rights will give us. I am therefore free to admit that, while the objects aimed at by the Government of 1815 were laudable and necessary, the defect dwelt upon by the Sudder Adaulut was fatal. A survey, as was well pointed out by Mr. Sisson, Magistrate of Rungpore, in his remarkable report of 2nd April 1815, No. 8393, was essential to the re-establishment of order and the protection of the interests of the peasantry. But a survey did not form part of the Government scheme in 1815. It was too expensive, and some hope was still reposed in the possibility of amicable arrangements being come to between zemindar and ryot. As a survey was not thought of by the Government, the Sudder Adaulut's objections to the patwari system were practical objections, which convinced the Government of the day that a general measure of re-organisation on the lines proposed was inadvisable. The result was, as far as concerns the patwari question, the compromise embodied in Regulation XII of 1817, and as far as concerns the canoongoe question, the enactment of Regulation I of 1819.

The compromise resulted in no practical good; for the improvements effected by it were altogether incommensurate with the object in view. In fact, where it has not been entirely ignored, I am ready to admit that Regulation XII, 1817, has only had the result of causing inconvenience to the zemindar without benefiting to any material degree the ryot or the Government. Under it the patwari is regarded as a Government servant appointed by the Collector on the nomination of the zemindar, and subject to the Collector's orders in regard to the production of his accounts. As the patwari, however, is paid by the zemindar, or by the ryots with the zemindar's approval, it will be readily understood that where the patwari and landlord have not quarrelled, the former is practically the latter's servant; while where they have quarrelled, the patwari loses not only his occupation, but practically his emoluments too In fact, wherever the patwari is not the zemindar's servant he is a sinecure. It is true that the Regulation provides for the enforcement by the Collector of the patwari's dues; but it does not compel the zemindar to allow the patwari access to the village accounts. In my experience as District Collector, I have known patwaris practically shorn of emoluments and duties of their office by the will of the zemindars, yet maintained in nominal office by the orders of the Collector. It may be that

Heirs of all the ages in the foremost files of time,

we of to-day are wiser than our predecessors, but whether we are wiser or less wise, I find it difficult to imagine experienced men in 1817 satisfied with

Regulation XII, or failing to perceive that it was from its very essence foredoomed to failure. For the essence of Regulation XII, 1817, is an attempt to reconcile irreconcilable interests. It strove to make a man serve two masters whose interests were conflicting, and it placed it within the power of one master to checkmate the other. Of the many provisions in our old Regulations conceived in a spirit of trustfulness in the self-denial of a class, or in people's abnegation of their own pecuniary interests, none, in my opinion, surpasses Regulation XII for fatuity of conception or for sterility of results.

But although the Government of 1817 shrank from grappling with the patwari question in the only one effective method,—a method which possibly might have involved the consideration of ryots' rights under the common law of India, which was not then so obscured as it has since become,—they still adhered to the principle that the establishment of a system of village accounts was most desirable. Regulation XII of 1817 recognized that principle in Bengal and Cuttack, though in an inadequate, and, as the event proved, in an utterly ineffectual manner, and it was followed by Regulation I of 1819, which, while it extended the operation of Regulation XII to the entire province, also re-established the system of canoongoes. With Regulation I of 1819, as far as it dealt with the canoongoe question, I have no fault to find. But as the most perfect machine is useless without the raw produce to feed its action, so the canoongoe system for all practical purposes of its creation was useless without the materials which it was the patwaris' proper function to supply. After seven years of struggle, of attempts to make bricks without straw, the Board of Revenue reported thus:—"After careful consideration of the subject in all its lights and bearings, we beg to submit an opinion for your Lordship's consideration that the obstacles opposed by the zemindars and *lakhirajdars* to the canoongoe system have hitherto rendered the records of the canoongoe's office useless as matter of judicial reference; that instead of affording information, they appear calculated to mislead those who require it; that the advantages realized from the establishment under its present constitution are by no means commensurate with the expense of keeping it up; and that until means are devised of ensuring the authenticity of the documents furnished, whether they relate to accounts, mensuration, or ryotwari assessments, the office of canoongoe will mislead instead of giving any useful information."

In these last words lies the whole secret of the failure, which during half a century of more or less continuous effort had pursued all endeavours to re-construct the patwari system on the ancient constitutional lines. I have seen it stated that ill success has attended all these efforts at improving the patwari system because you cannot put new wine into old bottles. In my opinion, however, that is a very imperfect explanation to offer. The truth is that it was not to the interests of the zemindars that light should be thrown on the relations subsisting between themselves and their ryots. I would not be understood to say that the zemindars objected to publicity because their ways were dark. It is not my wish to say that: but still the fact remains that they did object to any interference as an encroachment on their rights, although the

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Government, when concluding the Permanent Settlement with them, had carefully reserved the right to interfere. To every attempt to establish an impartial record of facts the zemindars opposed a persistent and successful resistance, and they found a powerful ally in the law which imposed on the patwari a dual allegiance. Within the past few years, however, the relations of zemindars and ryots have undergone an examination more thorough and exhaustive in its character than the proceedings of our Indian Governments have yet exhibited. The lessons which past experience teaches us have been taken to heart by the Bengal Government, and none has been more appreciated than this, that if any good is to be got out of the ancient system of village accounts, the patwari must be made a Government servant. He must rely for his information on the unquestionable basis which will be furnished by a survey and record of rights. Wherever a survey and record of rights can be effected, there it will be not only possible but absolutely essential to remodel and revive the patwari system, but under few other circumstances can new life be instilled into its dry bones.

This Council will perhaps not desire that I should pursue the history of this question at much greater length. They will find it given in sufficient detail in an extract from Mr. McNeile's memorandum on the revenue administration of the Lower Provinces of Bengal, which forms one of the papers to be presented to Council. Briefly, I may say that the Government of 1837 was satisfied of the uselessness of maintaining an expensive staff of canoongoes for compiling accounts which, when not worthless, were mischievous. The canoongoe system accordingly disappeared, and has not since been revived, for, as Hon. Members know, the canoongoes of Sir George Campbell's subordinate executive service scheme had nothing in common with the canoongoes of the regulation but the name. The disappearance of the canoongoes, however, did not affect the patwaris, who were supposed to be in existence everywhere; and on the abandonment of the canoongoe system, an effort was made to turn the patwaris to greater account. But this effort only served to bring to light the fact that in many districts of Bengal the patwari too had disappeared, his place being taken by the zemindari bailiff or gomasta; while if in other districts patwaris were still found, they had either sunk into the position of zemindars' servants, or the task of turning their records to any use was altogether hopeless. Impressed with the hopelessness of the task, the Board of Revenue recommended the abandonment of the attempt, and even the repeal of Regulation XII of 1817. This, however, was not done; and the question remained in abeyance till times within the memory of Hon. Members now present. The Commissioner of Patna broached the subject in 1863, and was promptly told to let it rest. It was not till the administration of Sir George Campbell, to whom administrative reform in Bengal owes so much, that the enquiries and consultations were begun which the papers before the Council exhibit, and which find their fitting outcome in the measure I have now to propose.

I have thus, Sir, at, I fear, wearisome length, traced the history of this measure. I have shown that in the earliest days of systematized native rule,

the canoongoe and patwari were essential factors in the revenue administration of the country; that they were essentially Government servants, whose function it was not only to record all agricultural statistics, but also to act as a check on the zemindar and his gomasta; that they gradually lost much of their independence when the exigencies of Mogul finance and the gradual decay of the imperial authority induced recourse to the farming or the *thikadari* system; that the patwari's status and utility were still acknowledged when the country emerged from the troublous first half of the 18th century into comparative peace under British ascendancy; that efforts were then made to restore the entire system to its pristine vigour and utility, as the custodian of the reciprocal rights of all interested in the soil; that these efforts ceased for a time when the Permanent Settlement was made, and the direct interest of the State in the soil curtailed. Finally, I have shewn how those efforts, when afterwards renewed, proved equally fruitless owing to the opposition encountered, and to the half measures adopted to overcome that opposition. No measure of reform could prove thoroughly successful unless based upon that knowledge of actual facts which a survey and record of rights alone can give, as Mr. Sisson and other experienced men of his day perceived. What we want in these provinces is a knowledge of the elementary facts of rural economy, such as is possessed by every civilized Government; such as in one form or other is possessed by all Governments in India except Bengal; such as is essential to all efficient administration. We want to know the precise area of every holding; the quality of its soil; the status and rights of the ryot who cultivates it; the rent he pays for it; the landlord to whom he pays, and so forth. We have been engaged for ninety years in a futile struggle to obtain this information. Our prolonged defeat has plunged us in an ever-rising sea of agrarian and administrative difficulties, and we now purpose, as far as in us lies, to bring them to an end.

I now come to the provisions of the Bill, which are few and simple. They are entirely connected with matters of principle, questions of detail and of practice being left to rules which, following the precedent of the legislation on this subject in the North-Western Provinces, will be framed under the Bill. The leading principle of the Bill is that the patwari is to be a Government servant, owing no longer a dual allegiance. The second principle is that he is no longer to be an agency for the collection of rents, but an agency exclusively concerned with the record and attestation of accounts. These principles will no doubt alter existing relations between zemindars and patwaris in some parts of the country where patwaris still exist, but they are over a large portion of Behar in accordance with existing customs, and I have, I believe, shewn them to be historically and constitutionally unassailable. Furthermore, the papers to be now presented to Council will show that they are the only principles we could accept. All who have studied the subject unite in holding that an end should be put to the existing state of things, and all are agreed in thinking that this can be done in only one of two ways,—either by making the patwari a Government servant, or by making him the servant of the zemindar. But to make the patwari the zemindar's servant

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would be to stultify the proposals of the Tenancy Bill in regard to records of rights. For it would be absolute folly to incur a large expenditure on a survey and record of rights, the results of which would be either not maintained at all, or maintained in the interests of one party alone. If, then, a record of rights is to be carried into effect as a measure fraught with good to the country, the organization of an independent agency to maintain the record up to date is essential.

Accepting then the position that the patwari is to be a Government servant, the important question arises, from what source is he to be paid? Here the Bengal Government has no doubt that the cost must fall on those whose interests the patwari directly serves.

There is, however, reason to think that the levy of patwaris' and canoongoes' allowances will impose no additional burden on the land. Indeed, it is probable that the execution of our plans will save both zemindar and ryot from much extortion now practised by the patwari, on both alike. For we cannot now form any clear conception of the extent to which the patwari, in addition to the recognized cess, levies contributions on the ryots on the occurrence of every festival or on the occasion of giving receipts or performing those other duties which it is his function to perform. The sagacious Manager of the estates of the Maharajah of Bettiah has observed in a report submitted to the Commissioner of Patna in 1878, "half the amount of money now expended by zemindars on the present staff of patwaris, if paid into the Government treasuries, would be sufficient to secure the services of efficient men, and would be a saving to the zemindars as enabling them to get rid of men who cannot afford to be honest on the small salaries they now receive."

I have stated that this Bill, if passed into law, will ordinarily be enforced only in districts or tracts in which a survey and record of rights have been carried out. It is proposed to enforce such measures in Behar as an experiment, and in that province we have in the existing customs a means of meeting the expenses necessary under our proposed Bill. For in Behar the people to a considerable extent already pay their patwaris, and there our first efforts must be directed towards regulating and controlling such payments. In Behar a patwari cess, called in the vernacular *neg* or *hisabana*, is a customary cess which the ryot pays. It is impossible on the evidence now before Government to say what is the precise amount of that cess. It is only by the enquiries which the record of rights will involve that we shall ascertain it with precision. But it seems that the recognized cess is rarely less than two pice on the rupee of the rent. If this be true, it is possible that the mere regulation of payments which are now made to the patwari by the ryots may enable us to command at once a sum sufficient for the payment of patwaris in the province of Behar. Even the canoongoe or supervising and controlling establishments may be found to be covered by the sums already fairly recoverable from the ryots as patwaris' allowances. It seems to the Government of Bengal that for the advantages, in the shape of a certain record of facts, which the proposals now made will secure to the ryots, they should, where they now bear the entire burden of

patwaris' allowances, continue to bear them, if they do not exceed a reasonable sum. I am disposed to think that one-half an anna in the rupee of rent is, as a general rule, a reasonable sum for ryots to pay. If any additional cost is to be incurred, and it is not yet certain that any will be needed, such additional cost, up to a maximum of one pice on the rupee of rental, should be borne by the landlord. It is to be remembered that one of the grievances of landlords in connection with the realization of rent is the doubt which is often thrown on the amount of rent payable. It will be no slight gain to landlords to have in an official record of rights proof supplied to solve doubts of that description. Finally, the duty of collecting the cess will be the same as in the case of the Road and Public Works Cess.

Such then are the outlines of this scheme of reform which it has been my privilege to lay before this Council. It is, as you have already said, Sir, a corollary to that larger measure of agrarian reform which is approaching completion in the Governor-General's Council. Without this supplementary measure the Tenancy Bill will fail of its full beneficial effect in Behar, where its beneficial action is most needed.

I have now explained to the Council all that it seems necessary to explain on the present occasion. The Bill will be in the hands of Hon. Members this afternoon, and the papers which are voluminous can be laid upon the table on Monday. If leave be granted, I shall be prepared to introduce the Bill next Saturday, unless Hon. Members desire a longer interval to peruse the papers. There is no desire on the part of the Government to push the measure hastily through the Council, and though I would deprecate unnecessary delay, I should be the last to deprive all interested in the measure of any reasonable opportunity for considering its provisions

In conclusion, I would bespeak for this Bill the best attention of this Council. Taken in conjunction with the Tenancy Bill, it will, to some extent, enable us to discharge a debt long owing to the people, especially to the people of Behar. It also possesses other and independent claims upon your attention as an effort to supply that greatest want of our time in connection with the administration of Bengal—a knowledge of facts. Fortified with an accurate knowledge of facts, with a true record of the precise relations between landlord and tenant, and with a competent agency to maintain that record, we may confront with a confidence which none can now feel those problems which the growth of population and its pressure on the soil are daily producing in ever-increasing complexity. And I entertain the hope that in our efforts to place the system of village accountants on a solid basis, we shall carry with us the good wishes and assistance of all reasonable members of the zemindari party. No one knows better than they do what a pestilent member of society the patwari often is, and always may become. He preys upon the tenantry and foments dissension among the landlords His peculations know no bounds, and his conscience no scruple. He does nothing without a fee, and if for a fee he gratifies the ryot, he also for a fee forswears himself to please the zemindar.

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When to this I add that the patwari of to-day is, as a rule, as remarkable for intelligence and astuteness as for complete want of moral principle, Hon. Members will understand how desirable it is, apart from the larger question of agrarian reform to which I have referred, that he should be brought under proper control. It will, I grant, be no easy task to reduce him to order, and to check the evil propensities which a century of mismanagement have engendered. But the task has been successfully accomplished in the permanently-settled districts of the North-Western Provinces, and what has been done on the right bank of the Karamnassa is surely feasible on the left. I believe that on the success of our present scheme largely depends the agricultural future of many millions of people, and impressed with this conviction, I commend to the best attention of the Council the Bill which I now ask leave to introduce.

His Honor the President said :—I would desire to take the earliest opportunity of explaining to the Council the course which I would propose to take in the event of its assent being given to the introduction of this Bill. The measure is one of very great importance. The measure is one which can scarcely be put aside or postponed, if the intention of a survey and of a preparation of a record of rights in Behar forms finally a part of the Tenancy Bill which is now under the consideration of the Legislative Council of the Government of India. Now, having regard to the importance of our proposals regarding these village fiscal agencies, and the fact that, though an ancient and historical institution, it has, for reasons explained by the Hon. Member in charge of the Bill, lost much of its vitality and usefulness, I fully recognize that any measure which contemplates the revival and re-establishment of these bodies should receive the most complete examination and the widest publicity. I would wish therefore that if the motion before the Council to-day is carried, and the Bill is introduced at our next meeting and referred to a Select Committee, no further step should be taken during the current Session to pass the Bill into law. It may possibly be necessary towards the middle of the year to convene the Council for a further consideration of the Bill then. But whether this be necessary or not, advantage will be taken of the interval to refer the Bill to all district officers in Behar, and to consult the opinion of all public bodies and others who may be interested in the subject. The official papers bearing upon the question will be placed before the Council, and thus all the information which Government possesses will be before it.

The Hon. Joy Prokash Lall said that, as the subject of this Bill was a most important one, and the papers connected with it were said to be voluminous, he hoped that a somewhat longer time than the usual period of one week would be allowed for their consideration.

His Honor the President said he proposed to adjourn the Council for a fortnight, and he hoped the time thus allowed would be considered sufficient for the purpose.

The motion was then put and agreed to.

The Council was adjourned to Saturday, the 14th February 1885.

Saturday, 14*th February* 1885.

Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, K.C.S.I., *President.*
The HON. A. PHILLIPS, *Acting Advocate-General.*
The HON. H. J. REYNOLDS.
The HON. C. P. L. MACAULAY.
The HON. A. P. MACDONNELL.
The HON. C. B. GARRETT.
The HON. MOULVIE ABDUL JUBBAR.
The HON. A. B. MILLER
The HON. KUMAR BAIKANTO NATH DÉ.
The HON. RAI JOY PROKASH LALL BAHADOOR.
The HON. LALLA BAN BEHARI KAPUR.

NEW MEMBER.

The HON. LALLA BAN BEHARI KAPUR took his seat in Council.

CANOONGOES AND PATWARIS.

The HON. MR. MACDONNELL introduced the Bill to amend and consolidate the law relating to Canoongoes and Patwaris, and moved that it be read in Council. In doing so, he said:—

When asking for leave, Sir, to introduce the Bill, I took the opportunity of explaining the origin of the system of canoongoes and patwaris, and the causes which have reduced that system to its present unsatisfactory condition. It is, I think, unnecessary that on this occasion I should go over the same ground, but it may be well that I should remind Hon. Members of the chief conclusions which I deduced from the history of the system. The first conclusion which I deduced was that these village accountants were, under native as well as under British rule, always regarded as servants of the State and responsible to the State for their trusts. My second conclusion was that zemindars are, and always have been, under an obligation to maintain these village accountants. My third conclusion affirmed the complete failure of the attempt made by Regulation XII of 1817 to make the patwari serve two masters—the zemindar and the State. My fourth conclusion pointed to the hopelessness of expecting any permanent good from the provisions of the Tenancy Bill regarding records of rights, unless existing village establishments were re-organized, and unless a competent agency under official control was established to maintain the record up to date in a correct and useful condition. I trust I am not oversanguine in hoping that the remarks which I made at our last sitting have secured for these conclusions the assent of this Council.

In the Bill which I have now the honour to introduce an effort has been made to give effect to the principles which the history of the question seems to me to justify. The Bill is a short Bill, and Hon. Members have no doubt so fully mastered it that any lengthened explanation on any part of its provisions is unnecessary. Should, however, the course of the debate which may be raised

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bring to light the existence of any misconception as to its nature and extent, or should any assaults on its principles be made, I shall have, in accordance with the rules of this Council, an opportunity afforded me for explanation and reply. At present, therefore, I propose to be brief in my account of the nature and objects of the measure.

As I stated this day fortnight, the fundamental principles of the Bill are three in number. The first principle is that the patwaris are to be Government servants, and no longer directly controlled by the zemindar. The second principle is that they are to be altogether severed from the collection of rent, and restricted to the registration and maintenance of the village accounts. The third principle is that they are to be paid by the parties interested in the lands of which they keep the accounts. The first and second of these three principles are embodied in sections 4, 20, and 22 of the Bill, which constitute the patwari a Government servant and his accounts public documents. To the third principle effect is given in sections 5 to 11 generally on the plan followed in the Road Cess and Public Works Cess Acts.

When asking for leave to introduce the Bill, I expressed a hope that it would be found possible to provide the funds required for an efficient establishment of village accountants by regulating payments now made by the raiyats in accordance with long-standing custom. I added that, as long as the amount leviable from the raiyats did not exceed half-an-anna in the rupee of rental, we might reasonably continue to levy that amount from them. We accordingly take power in section 10 of the Bill to levy a patwari cess from the raiyats up to half-an-anna in the rupee of his rent. If the raiyat now pays a patwari cess of half-an-anna in the rupee, whether it be credited separately in zemindar's accounts or consolidated with the rent, we propose to levy no more from him. We shall control the amount already payable, and make use of it for the purposes of this Bill. Should the amount be, however, insufficient for these purposes in any locality, we propose to increase the fund to a sufficient sum by raising an additional pice or one-quarter anna in the rupee from the zemindars. As I pointed out at our last meeting, the zemindars are now bound by law to maintain village accountants, so that they can have no valid legal ground for objection to this portion of the Bill. And apart altogether from the legal aspect of the case, the advantages zemindars will derive from an established and careful system of accounts will fully reward them for the slight expenditure to which we ask them to agree. The limits of assessment, however, are subject to re-consideration by the Select Committee, should the Bill be referred to a Committee, and no doubt further light will be thrown upon their appropriateness before the Bill assumes its final shape. Assuming, then, that we have our patwari and the money wherewith to pay him, it remains to say a word as to the manner in which we propose that he should perform his duty. On this part of the subject our proposal is that the zemindar should be left to keep his private accounts, to collect his own rents, and to give receipts without let or hindrance from the Government patwari. But we at the same time propose to lay the zemindar under an obligation to deposit periodically, with the Government patwari, copies of his accounts in forms prescribed by the Government, and also to inform the patwari of all change which occur in the

tenure of land in the village. To enforce the fulfilment of the zemindar's duties in this respect, we propose to make him liable to fine on default, in the usual way; and we further propose to revive the provisions of Regulation IX of 1833, which deprive zemindars of the power of suing for arrears of rent if they have not filed the patwaris' papers with the Collector.

When the patwari has thus received the zemindars' accounts, it will be his duty to compare them with the information recorded in his own registers, and to test their accuracy in any other way provided by rules which the Government will prescribe for his guidance. The patwari will be specially bound to explain the zemindars' accounts to the raiyats, and to record the raiyats' objections against disputed items. As the patwari will be a public servant, all persons will be bound to supply him with information as far as may be, and to assist him in the enquiries which in the due discharge of his functions he may have to make. The canoongoes and revenue officers will supervise the patwari in the discharge of his duties, will see that his papers are duly maintained as an efficient record of facts, and that proper statistical returns are submitted to the Government.

This is an outline of the plan on which we propose to proceed, but the outline is, of course, subject to modification, should the need for change in any direction be suggested by the criticisms to which, no doubt, this Bill will, when published, be exposed. The only other explanation I need now give is that the Act will not extend *suo vigore* to any district; and that until it is extended by order of the Government to any particular tract, the existing law will there remain intact. With these remarks, I now beg leave to introduce the Bill, and to move that it be read in Council.

The Hon. Moulvie Abdul Jubbar said:—I beg leave to make a few observations on the Bill which has just been introduced by the Hon. Member to the left. The object of the Bill is, I understand, to re-organize the system of canoongoes and patwaris,—a system which has entirely ceased to exist in Bengal, and has worked mischievously in Behar. The reason for this state of things is not far to seek. In Bengal the law which requires the zemindars to appoint patwaris has been rendered nugatory by inexecution, and in Behar patwaris have been looked upon as servants of the zemindars and not as responsible public functionaries. If patwaris are properly to discharge the duties required of them, they should be placed under the control and supervision of the revenue authorities and made quite independent of the zemindars. By imposing on the zemindars the obligation of maintaining an establishment of patwaris, the statesmen of the time of the decennial settlement meant that they should be servants of the State. It was not intended that patwaris should owe a dual allegiance, and have to serve two masters. Therefore by converting patwaris into a Government agency, the Bill does not contemplate the enunciation of a new principle of law, but purposes to legislate on the lines of the earliest Regulations on the subject.

I have said that the patwari system has worked mischief in Behar, and I think that I ought to explain what I mean. From my seventeen years' experience of that province, I know that under the existing system it is impossible to get from the patwaris reliable information on any point in

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dispute between landlords and tenants. Where the patwari is under the orders of the zemindars, he is hostile to the raiyats, and where he takes the side of the latter, he does all he can to sacrifice the interests of the former. There is at present no record of the rights and interests of the agricultural community to which evidential value can safely be attached, and from the absence of such records arises the difficulty of protecting the raiyats from over-assessments and over-payments. The authors of the Permanent Settlement seem to have considered that a trustworthy patwari or village accountant was as necessary for the preservation of the raiyat's interests in land as the village chowkidar for guarding his moveables. The village chowkidar is no longer the zemindar's servant, and I do not see why the patwari should be otherwise. If the patwari did what is desired, much of the unprofitable litigation in which zemindars and raiyats are often involved would come to an end, and the Government would be in possession of the agricultural statistics essential to efficient administration, and so the re-establishment of the patwari system on a sound and satisfactory footing would be advantageous both to the Government and the landlord. Patwaris' records, if accurately kept up, would enable the zemindar and the raiyat to settle disputes out of Court, and would be a help to the Government in all matters of administration. No one, I presume, can deny that the public at large will benefit by what improves the machinery of good government.

The question may be raised whether it will be practicable to secure on low salaries the services of a staff of patwaris who will fairly do their work. It is true that for patwaris' places we cannot get men who will be above suspicion, but I am not hopeless that under proper supervision and surveillance they will do their work satisfactorily. By close and constant supervision of their work, and by subjecting them to penalties for neglect and dishonesty, we may change their character and force them to be honest. In no department of the public service will underlings do their work well if they are not placed under efficient and strong control of superiors.

The last point for consideration is how and by whom patwaris are to be paid. The Bill provides for the levy of a cess, and if it becomes law, the patwaris, like all other Government servants, will receive their pay from the Collector. The cess will not be an additional burden on the raiyats, as where patwaris exist the raiyats pay them in some shape or other. The zemindars should not, however, be called upon to contribute towards the cess. As the Bill imposes upon them the duty of collecting the cess, I think they are entitled to some consideration. Not only will the patwaris do no work for the zemindars, but the zemindars will have to advance the cess before it is collected from the raiyats. With these remarks, I beg to support the introduction of the Bill, to the general scope of which I have not the slightest objection.

The Hon. Kumar Baikanto Nath Dé said:—Hon. Sir, I have very carefully studied the papers connected with the subject now before the Council, and the learned dissertation with which the Hon. Member in charge of the Bill moved to obtain sanction for its introduction. The remarks made this day are equally valuable, and include all that can be said in support of

the Bill. I regret, however, that I do not feel convinced that the proposed measure is, as it now stands, fair and expedient. It is not usual at the first reading of a Bill to discuss its details: the rule, I understand, is to confine the attention of the Council solely to the general principles involved. I do not find this in the standing orders, but I shall not on that account venture to disturb the course of the ordinary procedure of the Council. Confining myself to the general principles involved, I have to face, *first*, the propriety of reviving the patwari system; and *second*, the responsibility of the people connected with land to defray the cost of the scheme. These are the two grand principles which govern the Bill. The history of the measure given by the Hon. Mover is as full as could be desired, and Members situated like myself must feel thankful to him for the exhaustive resumé he has given. The papers laid on the table bear him out in every particular, and conclusively demonstrate that for well-nigh a hundred long years the scheme has repeatedly broken down, notwithstanding the most strenuous efforts, both legislative and executive, made to give it currency; and the questions arise, what causes have hitherto defeated the efforts of Government, and how are they now to be avoided? Under these heads the information given, I feel compelled to confess, is not sufficient. The causes are patent enough, but the remedy proposed is, in my humble opinion, totally inadequate. In fact, the only remedy proposed is to make the patwari a servant of Government, acting exclusively under the orders of the District Collector. This is, however, not a new plan. It was proposed many many years ago by the late Court of Directors, and the Government of India in their despatch of 6th January 1815 emphatically condemned it as pernicious. They said:—

"By such an appointment, if his natural connexion with the zemindars were not destroyed, it might be found that the patwari in many cases would be rendered only the more capable (from his character as a public officer) of being the tool of oppression on the raiyat and of fraud on the Government. In other cases, fostering the intrigues of the raiyats, he might bring ruin on the zemindars, and seriously injure the public revenue; while, if the patwari maintained his public character, his intrusion would, in all probability, be odious both to the zemindar and the raiyat, and all their efforts would be directed to defeat the object of his office."

What have we now before us to show that these apprehensions were not well founded? Nothing. On the contrary, the Hon. Mover quoted largely to show that every effort has been made both by zemindar and raiyat, and not ineffectually, to frustrate the object of the patwari system. The canoongoe supervisor was there, and the Collector too, but they failed to prevent the epithets "worse than useless" and "positively mischievous" being applied to it; and what have we to show that things will get on better now? The Collector has more work now to do than what he had before. His time is fully occupied by multifarious and harassing duties, and he cannot now prove a more effectual supervisor than what he was before, and the canoongoe changes not his position in the least. I admit that higher pay is promised, but I am sure it will not, and cannot, under the nature of things, be so high as to place the canoongoe and the patwari beyond temptation. The present pay

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of the patwari varies from Rs. 2-8 to Rs. 4 a month. Let the amount be doubled or even trebled, and still he will not be better off than many menial servants in Calcutta. A good coachman here costs Rs. 16, and who will think that he is above a gratuity, and that gratuity so easy of access and so proof against detection as the patwari's will be. The Government revenue is fixed now, and there is, of course, no fear of its suffering; but between the zemindar and raiyat, what is there to protect them? The rich zemindar with his long purse will vitiate the patwari, and the raiyat must suffer the evil, or the poor small zemindar must suffer by the machinations of the rich raiyat, or a combination of raiyats. The Bill provides no remedy for these inevitable evils, and I cannot but condemn it on that ground.

Supposing, however, for the sake of argument, that measures could be devised to make the patwari honest and useful, I beg to ask, how can the zemindars, in fairness, be made to contribute towards his maintenance? Originally, he was a village officer serving for the commune, and was paid by the commune. The Bill, however, does not recognize this, and the zemindar and the raiyat are thereby not free. The Hon. Members to my right and front will show clearly the state of things in Bengal and Behar, and I shall not anticitpate them. But as regards Orissa, the case is peculiar, and nothing short of a positive breach of contract can justify the Government in imposing a cess of this kind on the people of that province. That province is temporarily settled, and at every settlement the question of communal lands was carefully considered. Lands were originally provided for the village watch, the village barber, the village patwari and others, but most of these have been resumed during different settlements. At the last settlement the lands for patwaris were, with a few exceptions, resumed by Government and included in the *mal* land, and the Government cannot, after taking away the land, insist upon a cess for the patwaris during the currency of the present settlement, which will last for many years yet. Such a cess cannot but amount to an arbitrary addition to the *jumma* fixed at the time of settlement. The Board of Revenue was consulted on this point in 1871, and I take the liberty of quoting a paragraph from their report. They say:—

"The Board deprecate any alteration in the present arrangement of the canoongoes, or any reduction in the existing strength, and are of opinion that the zemindars cannot be required to provide for the remuneration of patwaris in estates in which no provision at the time of the settlement has been made for the purpose, and that the procedure of Regulation XII of 1817 cannot be enforced in Orissa because, subsequently to its enactment, that province was subjected to a regular detailed settlement, in which the appointment and remuneration of certain patwaris were distinctly provided for. The Board are also of opinion that, if patwaris are to be generally introduced in the district of Orissa, whether in each estate or a circle of estates, the expenses of their remuneration must be provided by Government."

The report of Mr. Ravenshaw, the Commissioner of the Orissa Division, was equally emphatic. It says that "out of 5,304 estates in Orissa, there are only 404 in which provision was made for patwaris at the time of settlement": that "if it be determined to appoint patwaris to every estate during the currency of the present settlement, the cost must fall upon Government"; that "he does not think that sub-divisional canoongoes are required," and that

"the whole district statistics, reports, and returns should be tabulated and recorded under the Collector's eye by the Sudder Canoongoe." Of course, in the 404 cases in which special provision was made for patwaris, there can be no objection to Government resuming the land, or, letting alone the land, insisting on a cess, but they cover only a small fraction of the total of 5,304, and I leave them entirely out of consideration. The Government has full right, and is welcome to do whatever it thinks proper with them.

I respectfully pray, therefore, the Council will take this matter into serious consideration before adopting any measure which is calculated to produce in the minds of the people the impression, and a well grounded one, that contracts with Government are liable to be set aside in the way proposed. The people cherish the highest confidence in the inviolability of Government contracts, and, in my humble opinion, nothing should be done to disturb that confidence. It is the farthest from my wish to offer the smallest opposition to the collection of regular and systematic statistics of the rural economy of the country. They are necessary for efficient government, and they should by all means be collected. But I hold that such statistics belong to the Government, and the community at large benefit by them, and Government, as representing the community, should defray the cost of the scheme. The zemindars and the raiyats are not the only parties concerned, and they should not be specially selected as the parties responsible for the cost. The subject was fully discussed in all its bearings by Sir George Campbell, and he was convinced that the cost should fall on the Imperial Funds, and the canoongoes he employed for the collection and tabulation of statistical returns are to this day paid out of the Imperial Funds. Nothing has since transpired to show that he was wrong, and nothing has yet been said in this Council to prove that the work now being done by canoongoes in every district and sub-division of this Government rightly falls only on zemindars and raiyats.

The Bill does not at all disclose the particular duties which the patwaris are to perform, and the owners and lessees of land are called upon by section 13 to submit to the patwari whatever may be called for, leaving the widest possible margin for the most diverse and discordant returns. A Commissioner of Orissa wants patwaris for census work, and some Collectors look upon canoongoes as useful assistants in the collectorate office. Surely these are not duties for which owners of land alone should pay. In the orders of Sir Richard Temple of February 1876, seven different tables were named as required to be filed, and two of them were soon after shown to be what could not be supplied by zemindars, and had to be set aside by specific orders. The others proved so unmanageable that they had practically to be abandoned. At present, of the different returns to which the Hon. Mover of the Bill has called attention, I find some are already supplied to Government and others cannot be supplied by owners of land, and if supplied by them must be worthless for all correct statistical purposes, if not positively mischievous. For instance, the first item is the "precise area of every holding." This can be best supplied only by a cadastral survey, and not by men who are taught in Bengali arithmetic (if they are ever taught that) that half or even one-fourth of a *katha* should be reckoned as one full *katha*.

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The second is the quality of the soil, and this zemindars cannot give precisely; and what they can give will be of no practical use. "The status and rights of the raiyat" have yet to be determined by regular suits in Civil Courts, and until they are so determined no returns can be worth the paper on which they are written. The zemindar will call a man "a tenant-at-will," and the tenant will claim the right of a khudkast raiyat, and no patwari can settle the dispute satisfactorily. Moreover, returns of all the raiyats and their rents are regularly furnished now by all owners under the Road Cess Act, and a second set of the same papers cannot be wanted. It is true these returns are not now properly used: they are generally allowed to rot in the archives of the collectorate. These should certainly be digested and tabulated, but that is just the work which belongs to Government, and Government should pay for it. Clerks are now wanted to do that work, and it cannot be commendable to call the clerks patwaris and canoongoes, and under cover of those names to demand a cess from the owners of land. I may be mistaken in this idea, but I cannot shake it off. The patwari of old acted as the umpire in dividing the produce where rent was paid in kind; the proposed one will do no such thing. The patwari of old cast the little accounts of the raiyats; the new one will do nothing of the kind, but insist upon the account being done elsewhere and regularly filed in his office, every default being visited by a fine of Rs. 50. The patwari of old collected the rent due to the zemindar; the new one will lose his official independence if he did so. The patwari of old kept the village accounts of the zemindars; the new one will demand such accounts to be ready prepared for him by the zemindar under heavy penalties. The patwari of old was one of the people, a servant of the commune; the new one will be a Government officer, serving as a petty tyrant and spy on the community. I must confess that I fail to see any similitude between the two pictures, except in the name, or any trace of the "immemorial antiquity" in the new one to which the Hon. Mover has appealed.

Taking these facts into consideration, I am of opinion that the principles involved in the Bill are wrong, and that the Bill should therefore be withdrawn.

The HON. MR. REYNOLDS said:—I have a few remarks to make with reference to what has fallen from the Hon. Member who last spoke. I cannot help thinking that in a good deal of what he said he overlooked what I understood the Hon. Member in charge of the Bill to put forward as rather an important element in his proposals. The Hon. Member in the course of his remarks observed that persistent efforts had been made for many years past to revive the patwari system, and to give effect to it, but that heretofore all these efforts had ended in failure. The argument now used is that the present efforts will be equally unsuccessful, as the only remedy now proposed is to make the patwaris the servants of the Government. Then, after speaking of what he considered the inequity of expecting the zemindars to pay the patwaris, he referred to the case of Orissa, which I shall mention hereafter. He then brought some objections to bear on the nature of the returns which he understood would be called for from patwaris. I think the Hon. Member quite overlooked a very important passage in the speech of the Hon. Mover when he moved for leave

to introduce the Bill. The Hon. Member said—"I have stated that this Bill, if passed into law, will ordinarily be enforced only in districts or tracts in which a survey and record of rights have been carried out." I would ask the Hon. Member opposite to observe that that makes a very important and fundamental difference in the conditions under which it is now intended to revive the system, as compared with the conditions under which it was previously attempted. It is not the case that the only remedy now proposed is to make the patwaris Government servants. The remedy is to have an effective and authoritative survey and record of rights, with the formation of which the patwari will have nothing to do. This survey and record of rights having been completed, it will then be the business of the patwaris and canoongoes, under the supervision of the Collector, to maintain and keep up these records. That is a very different thing from any proposal which would invest the patwaris with power to decide disputes. All that the zemindar would be required to do will be to give the patwaris notice of the changes in the record which it is their business to maintain. Then it is said that the Collectors are overworked, and that they could not supervise this work. It is quite true that the Collectors are overworked, and I fear they are likely to become more and more so, but I think that I may say that the Government of Bengal will look upon the effectual supervision and maintenance of village records, and the preparation of as correct statistics as it is possible to obtain, as one of the most important duties of district officers.

With regard to the case of Orissa, I understand the Hon. Member to say that it will be impossible to impose a cess or any contribution for the maintenance of patwaris there without a breach of faith on the part of the Government. But what I have already stated will show that it is not intended to bring this Act into operation except where a survey and record of rights is to be maintained, and I may remind the Hon. Member that the Bengal Tenancy Bill is not by its own application to extend to Orissa, and I do not think that there is any great probability of its being extended to Orissa during the term of the present settlement. When the settlement of Orissa falls in, I think in about twelve years to come, it will be open to the Government to make such arrangements as it thinks necessary for the maintenance of village records in that province. I believe that if these considerations are taken into account, many of the objections which the Hon. Member put forward as objections to the introduction of the Bill will disappear, and I therefore trust that the Hon. Member will not press his objection to the motion before the Council.

The Hon. Joy Prokash Lall said:—Sir, the Government of Bengal is to be congratulated on the recognition of the principle that the present anomalous position of the patwari as a *quasi*-Government official with obligation of service to the Government which do not pay him, and the zemindar who pays, should not be allowed to exist. This was condemned by the Behar Rent Commission, and the Behar landholders have persistently urged that whatever other directions the revision of the patwari laws may take, the present anomalous system under which the nomination of the patwari was vested in them,

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and appointment and dismissal with the Collector, and under which, while they have to pay the patwari, the Collector can at any time, and for any length of time, command his services, should not be allowed to exist. In so far therefore as the present Bill proposes to repeal Regulation XII of 1817, under which this dual system was established, I have only to offer my heartiest thanks to Government for this concession made to the complaints of the Behar landholders.

But, Sir, while the present Bill proposes to repeal an admitted evil, it will serve to create another and a more serious one in its stead. It will divide the province into patwaris' circles, and place a patwari, whom it will create a public servant, at each one of those circles. A petty Government official on a paltry salary, further removed from all manner of official supervision, will be a veritable tyrant, under the cloak of his official authority, to the people over whom he will be placed. True, there are to be canoongoes to check them, but the salary which will possibly be given to these canoongoes cannot tempt to set up honest men to accept service. In 1815 the Court of Directors said—"By such an appointment, if his natural connections with the zemindar were destroyed, it might be feared that the patwari would, in many cases, be rendered only the more capable (from his character as a public servant) of being the tool of oppression on the raiyat and fraud on Government. In other cases fostering the intrigues of the raiyats, he might bring ruin on the zemindar and severely injure the public revenue."

It is said that, if the patwari system, as at present proposed, has succeeded on the right bank of the Karamnassa, there is no reason why it should not succeed on its left bank. Well, Sir, as to this success we know only that from only a few years the patwari has been declared to be a public servant, and a metamorphosis has not yet reached beyond the experimental stage, even on the other side of the Karamnassa; and even at this stage, if the true feelings of the people were known, it would not redound to the credit of the experiment. But, Sir, the reasons which make it expedient and necessary for the interest of Government to have such an officer located in the villages in the North-Western Provinces, not yet permanently settled, except a few districts, do not exist in Bengal. It is hard to understand how the patwari, unless he was bent on mischief, could furnish any other accounts regarding rights in villages beyond those to be placed in his hands by the raiyat and the zemindar. When this is so, what is the good of having him at all? If he does not, however, accept these accounts as correct, who will care to test his accounts? The canoongoes cannot do it, and the Collector and the Deputy Collector have no time to do it, especially when the Government interest will in no way be endangered thereby. The matter will thus cease creating endless disputes as regards private rights.

Sir, I do not exactly know what is the precise number of villages in the territories under the Government of Bengal, but I was reading the other day Mr. Wilson's report on the Bengal Tenancy Bill, and he roughly estimates that number at four lakhs. If we are to have a patwari at a group of, say, four villages in average, their number will thus be one lakh, and at even the small amount of salary of Rs. 10 per mensem, the Government

of Bengal would have to spend one crore of rupees for patwaris alone. Then there are canoongoes, their establishment and a number of innumerable etceteras. The present rental of these provinces has been grossly computed at 13 crores. Now where is this money to come from? Surely a 5 per cent. patwari cess on the rental which is proposed to be levied will not cover the amount. Will the Provincial revenue be then spent in paying the establishment of patwari? Why, your Honor's Government might surely utilize that amount, if available, to better purposes. This matter of cost alone might induce your Honor's Government to drop this Bill. It will, perhaps, be said that it will be experimentally introduced in some portions of the territories under your Honor's Government; but the principle applies to the whole and in giving sanction to the principle, your Honor's Government ought to see to the cost it will entail.

Then, Sir, as to the extra cess to be levied from the zemindars and raiyats. It will be shortly an infringement of the principles of the Permanent Settlement. In the language of the fifth report, the cess would bear so strong an affinity to a direct increase of the land tax as almost inevitably to be viewed as an infringement of the Permanent Settlement—a consequence to be most anxiously avoided. Already, Sir, the cesses amount to 6½ per cent. of the rental. The additional 5 per cent. would make it more than 11 per cent. The Maharajah of Dumraon alone will have to pay more than Rs. 40,000 a year as the patwari cess, and why should the zemindars and raiyats pay alone? The statistics needed will be for public purposes, and if surely a separate establishment is necessary, the expenses ought to be met from the Provincial funds. It is said that the zemindars and raiyats pay this *neg* for the patwari at the rate of half an anna on the rupee, and the cess will be nothing more than the collection of this amount. But admittedly it is proposed to levy the cess at a higher rate than the *neg*, whereas the *neg* is at two pice a rupee, it is proposed to make the cess three pice.

Now enquiries would have shown that the *neg* or *hisabana* do not exist in all the districts of Behar, and where it exists, it is not paid by all the raiyats, and by none to the extent the Bill proposes to levy, whereas in some places it is considered as an illegal *abwab*. Again, wherever paid, it is paid for services rendered. In lieu of the *neg* the raiyat expects that all his rent receipts should be properly written out by the patwari, and other writing business done. The zemindar expects that he (the patwari) should keep all his village accounts. These duties no longer pertaining to the office of the patwari, the zemindar will have to seek out another man for the performance of these duties, and to find means to pay. The raiyat will find his old friend, the patwari, in this new servant of the zemindar; thus while the *neg* will come to be levied by Government as a cess, the raiyat and the zemindar will have to find out money to pay for the services of their own patwari.

I may also add that in the North-Western Provinces the zemindars and raiyats have been relieved of the patwari cess.

Then, Sir, as to the collection of the cess. They are to be levied from the zemindars by the same process as other cesses, which means of course the issue of certificate of demand, arrest, seizure and sale of properties, moveable

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and immoveable, belonging to him. Will the zemindars receive any compensation for the fresh liabilities and responsibilities to be thrown on them? They may or may not be able to collect the cess on their own account, but they will nevertheless have to pay, if not under the Sunset law, but a law not less stringent. I pray your Honor to pause before throwing these fresh responsibilities on the zemindars who are already burdened with too much responsibilities, and what they are already paying is at a very heavy sacrifice. The collection of a tax which Government chooses to impose forms no part of the zemindar's duty under any regulation or law. The Bill simply forces this duty of a public servant with grave responsibilities, even to the extent of having his all sold for default of this duty without giving him any wages for his labour, trouble, and anxiety.

The present Bill, I believe, originates in a certain recommendation of the Famine Commission. They say in one paragraph of their Report—"In the case of Bengal, what is specially needed, in addition to the reforms suggested above, is the introduction of field registers and village accounts, together with more active administration. In order to effect the first of these two reforms, it is necessary, as you have already urged, to carry out a field survey and to restore or create the body of village accountants. The position and duties of these officers should be defined with as much distinctness as possible, and it should be made quite clear that, though paid by a rate on the land, they are public servants amenable to the authority of the Government. We cannot too strongly condemn the present system under which the patwari, as far as he exists at all, though nominally a public officer, is, in reality, nothing more than the zemindar's servant." It is a policy fraught with mischief to attempt to introduce a more active administration with the patwaris as the local units of such administration. If a link is really wanted between the officials and landholders, a local unit in aid of more active administration, better people themselves may supply the link. In time, under your Honor's fostering care, under the Local Self-Government Bill, the whole of the territories under your Honor's administration will come to be thickly strewn with Union Committees and Local Boards. It will be more in accord with the spirit of the times, and, in fact, much better if these Union Committees or Local Boards were to be utilized with such help of establishment for the purposes of general statistics and as centres of more active administration than an under-paid official, a little tyrant within his little work, furthest removed from all manner of official supervision.

As for the zemindari statistics, *i.e.*, statistics relating to the zemindars and raiyats, why the zemindars have at present to file periodically *jamabundies* in the Road-Cess office. These, certainly, if properly looked into, will furnish all the information required and available, and then with the spread of primary education every raiyat can certainly be expected to look to his own, and to be the custodian of his own record of rights. What then, Sir, is the necessity of such a measure? With these remarks I beg to say that the Bill should not be introduced.

The Hon. Ban Behari Kapur said:—I desire respectfully to oppose the introduction of this Bill into the Council. In my opinion, a law of

this character is not required. I do not entertain any hope of its proving in any way beneficial to the raiyat or to the zemindar. In fact, it cannot fail, if passed into law, to lead to great misunderstanding between the landlord and his tenants. The patwari will be a middleman, who will merely enrich himself at the expense of both raiyat and zemindar. If the Civil Courts have to depend upon the papers submitted by the patwaris, and if those papers are received as evidence in courts of justice, it will, in my opinion, substantially defeat the ends of justice. The times are completely changed, and the circumstances are totally different from those which have been referred to by the Hon. Mover of the Bill. What was found effective and possibly necessary in the time of Akbar would prove useless and even injurious at the present time. The Hon. Mover is of course perfectly correct in stating that the patwari system existed in old time, as is clearly evidenced in the "Ayeen Akbary." But a careful consideration will show that the system was introduced by Akbar when the rents were collected under the system of "Khoshtasheel." His especial object was the collection of rents immediately from the raiyats, hence the necessity for the patwaris in those days, but at the present time the imposition of such a system in Bengal, at all events, would be a mischievous anachronism. We should do well to remember that the patwari cess or *hisabanna* which the raiyats are stated to pay at the present time in Behar is not compulsory. It may therefore be maintained, with much show of reason, that if such a cess be made binding upon the tenants, they would necessarily regard it as a very great hardship. As far as the zemindars are concerned, they will naturally not only feel acutely the indignity of being subjected to the supervision of a class of men who at the present time are their own paid servants, but they will in addition have imposed upon them the necessity of retaining other men to realize their rents and keep their accounts. Virtually, therefore, they will be required to pay two pice or more on the rupee, which will operate as a very oppressive and additional burden of taxation. The measure will also, in my opinion, if permitted to pass into law, have the effect of opening a flood of litigation, which will result in proving a constant source of harassing irritation, both to zemindars and raiyats. On these grounds, as well as others which it is needless to mention at present, I venture to object to the whole policy of the Bill.

I would, however, suggest also, with reference to the details of the Bill, that there are means ready at hand for avoiding the imposition of the proposed cess. There is a large saving in Bengal from the receipts of Court fees. A portion of this could not be better applied, if this Council were to determine to pass the Bill, than in paying the cost of a system which, it is alleged by the Government, will be an improvement of the administration of justice with reference to landed interests. This, however, is a question of detail which may at present be postponed. I deem the whole policy of the Bill to be so injurious as to think it incumbent on me to oppose even its introduction. I beg, therefore, respectfully, in conclusion, to oppose the introduction of this Bill.

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The Hon. Mr. Miller said:—I desire to object at this stage to the introduction of the Bill, and for one reason only, namely that this Bill appears to me to be absolutely premature. It seems to me that this Bill is a supplement to uncompleted legislation which is being discussed at the present moment in another Council. If the Bengal Tenancy Bill fails to pass into law, we will be placed in this very illogical position, that we shall have been engaged in inaugurating and discussing a measure absolutely useless and absolutely unprofitable. If this Bill is to pass merely as a measure supplementary to the Bengal Tenancy Bill, it appears to me that we ought at least to wait until that Bill passes into law, and then we shall be in a logical position to discuss a Bill which deals with the policy of that measure. For this reason, I think, this Bill ought not to be introduced at the present time, and that we ought to wait until we know whether the Bengal Tenancy Bill passes into law. It will be very inconvenient to open out a discussion on the principles of the Bengal Tenancy Bill in this Council; but it appears to me that by introducing a Bill here, which is avowedly supplementary to that measure, we give occasion for a discussion of the principles of the Bengal Tenancy Bill, which some members at all events of this Council believe to be vicious in principle, and the result of which will be vicious in practice. I beg, therefore, to protest against the introduction of the Bill at the present time as inopportune.

The Hon. Mr. MacDonnell, in reply, said:—Sir, in rising to answer the objections which have been urged against this Bill, I promise the Council that I shall not trespass upon their attention longer than I can help. The first objection which I desire to notice is that taken by the Hon. Member who has just sat down (Mr. Miller). The Hon. Member objects to this Bill because, being under the impression that it is a mere supplement or corollary to the Tenancy Bill, he considers it to be premature. But it seems to me that in making this objection the Hon. Member is labouring under some misapprehension. It is no doubt true that the enactment of this measure is essential to the successful working of those most useful provisions of the Tenancy Bill which refer to records of rights and settlements of rents. But apart altogether from the Bengal Tenancy Bill, the measure now under notice will be of use in estates managed by the Court of Wards, and in temporarily-settled estates on the occasion of a re-settlement. These two classes of estates cover such a large area that in regard to them alone the introduction of this Bill would be justifiable, and this way of looking at the question borrows additional force from the consideration that such estates do not exhaust the lands to which this Bill, if it becomes law, would be applicable; without any reference to the provisions of the Tenancy Bill which deal with records of rights. I trust that the Hon. Member will thus see that, even if the Tenancy Bill were not to become law, there would still be a proved necessity for the measure now before the Council.

I turn now to the objections taken by my Hon. friends opposite (Joy Prokash Lall and Kumar Baikanto Nath Dé), and by my Hon. friend to my right (Ban Behari Kapur). Well, the remarks of the Hon. Members,

as I have been able to follow them, seem to fall under two heads. My Hon. friends object to the Bill, *firstly*, because of the alleged impropriety of reviving the existing law; *secondly*, because the Bill provides for the imposition of a new tax, contrary, as they allege, to the engagements of the Permanent Settlement. These heads seem to me to cover the objections that have been urged against the Bill by my Hon. friends, and if I cannot compliment them on the freshness of the arguments or the accuracy of the information by which they have supported their objections, I may at all events acknowledge the temper with which their views have been urged. The first objection with which I desire to deal is that this Bill is a needless interference between landlord and tenant. The *gravamen* of this objection is that in the relations between landlord and tenant in these provinces no such cause for misgiving is to be found as would justify a measure of this sort. I confess, Sir, to a feeling of surprise that after all that has passed in connexion with the Bengal Tenancy Bill, a member of this Council could be found to commit himself to a statement of that nature. At all events I should deserve the disapproval of this Council if I were to inflict on them a repetition of the evidence which has satisfied the Local Government, the Government of India, and the Secretary of State, that interference between landlord and tenant is both necessary and desirable. Human life would be too short for repetitions of that sort; and patience, a limited commodity with most people, would be exhausted. I therefore think that I shall meet the wishes of the Council by declining on this occasion to be led into a discussion as to the necessity of legislative interference between landlord and tenant in Bengal. Those who are not convinced of the necessity from all that has passed during the past ten years are not likely to have their prejudices abated by any words of mine. All I can do under the circumstances is to advise my Hon. friends who question the necessity for such a measure as this, to study the literature on the rent question. But while giving them that advice, I cannot help pitying them if they adopt it. It is, I think, Lord Macaulay who tells us that a criminal was once offered a choice between instant death and a perusal of Guicciardini's history. The criminal weakly chose the history, but repenting of his choice, after years of torture, craved immediate execution. Now, at the risk of suggesting to my Hon. friends an obvious retort, I would advise them not to imitate the indiscretion of the Florentine criminal, but to accept this Bill as a lesser evil than a thorough study of the rent question.

The second head of objection urged against the measure is, that it is a violation of the engagements made with the zemindars at the time of the Permanent Settlement. I meet the objection with a two-fold argument. In the first place, I maintain the legality and justice of this measure on the special ground that it is precisely such a measure for "securing the welfare and prosperity of the raiyats" as the Government by Article VII of the Permanent Settlement Proclamation reserved to itself the right to enforce. In the second place, I maintain the legality and justice of the Bill on the wider ground of the supremacy of the

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State, and of its right to impose taxes, if necessary, with a view to the public welfare, or for the special benefit of the particular class affected by such taxation. In regard to the special ground of justification, namely that depending on the interpretation of Regulation I of 1793, I need not trouble the Council with many words. In my speech this day fortnight I established the position that these village accountants were always regarded as public servants, and the zemindars were bound, by the Regulation which made them what they are, to provide for the maintenance of these village establishments. I would again invite the attention of the Council to the 62nd section of Regulation VII of 1793, and again submit that its terms fully support the argument I have based upon it. In further support of argument, I now call attention to the extract from the letter of the Court of Directors, dated 12th July 1820, which embodies the final views of the highest authority on the controversy which the Hon. Members opposite seek to revive. This letter is, it will be observed, of a later date than that quoted by the Hon. Kumar Baikanto Nath Dé, and the decision contained in it, being the final orders passed on a controversy in which the letter cited by the Hon. Members was only an incident, must be taken as overruling the opinion on which my Hon. friend laid such great stress The extract will be found at the commencement of the Blue Book which has been presented to Council. The sixth paragraph of that extract runs as follows:—

"With regard to patwaris, the office did not require to be re-established, for it continued in existence, and the maintenance of a patwari for every village was imposed as an obligation upon the zemindars by the terms of the perpetual settlement. It had been found, however, that the accounts which were kept by those patwaris were altogether unworthy of trust, and so framed as to promote the sinister interest of the zemindars by whom they were paid, both in defrauding the Government and in oppressing the raiyats. When we turned our attention to the means of rendering the ancient accounts of the country subservient to the affording of that knowledge which might enable us more perfectly to secure both the interest of the Government and those of the raiyats, it was necessary, of course, to consider the means of obtaining true instead of false accounts from the patwaris. For this purpose it appeared to us to be absolutely necessary to remove them from all dependence upon the zemindars. We accordingly give you explicit directions to make them servants of Government by transferring the choice, the pay and superintendence of them wholly to the Collector."

Thus we have the regulation imposing on zemindars the duty of maintaining these village accountants. We have the supreme authority of the Court of Directors declaring, with no uncertain voice, the right of Government to bring these accountants under official control. We have the fact established that, as at present constituted, the system of village accounts does not fulfil its objects. We find it manifest that if the system be not re-modelled on the plan we propose, the beneficial results of the provisions of the Tenancy Bill regarding the records of rights will be wholly frustrated, while the beneficial action of Government in wards' and temporarily-settled estates, and other tracts under official management will be seriously impeded. Thus the necessity for the proposed control exists, its legality is established, and the financial responsibility of the zemindars for the maintenance of those village establishments is interwoven with their titles to their

estates. I find it therefore very difficult to understand how any Member, with these facts before him, can seriously assume a position of antagonism to this part of the measure.

I now wish to say a few words on the objection raised by the Hon. Ban Behari Kapur, who declares it to be impossible to make a system of village accountants an efficient means of safeguarding the interests of the agricultural community. A similar point was also taken by the Hon. Joy Prokash Lall, who affirmed that whatever necessity there may be for such a measure as this in the temporarily-settled parts of India, there is none in permanently-settled Bengal. If I were to meet this objection with a recital of the reasons why in permanently-settled Bengal such legislation is necessary, I should largely occupy the time of this Council. I content myself, however, by saying that the proposals now made by the Bengal Government on this matter are not without precedent. I will remind the Council of the fact that what we now propose to do has been done in the permanently-settled districts of the North-Western Provinces. The legislation we now propose closely follows the lines of the legislation which has there proved so successful. The questions now raised, the objections now urged, against our proposals were no doubt raised and urged at its inception against the law now prevailing across the Karamnassa. Such objections, too, must in that case have been raised and urged, not in a Provincial Council, but in the Council of India. It is surely a guarantee of the correctness and justice of our principles that similar principles under similar circumstances were approved and carried into successful action in the districts bordering on these provinces.

But the objection that this Bill is outside the power of interference reserved to Government by the Permanent Settlement Regulation has another and a wider aspect than those to which I have been referring. The wider ground is in fact a claim on the part of the zemindars to the exemption of the land from all future taxation, and its assertion in this Council requires that I should allude to a controversy which I had thought had been long ago consigned to the limbo of exploded fallacies. The point was fully discussed in 1870, when the Road Cess was introduced, and again in 1877 in connexion with the Provincial Public Works Cess. On the first occasion the Secretary of State, after mature consideration, decided that zemindars are not under the terms of the Permanent Settlement in any way exempted from taxation for local or other purposes. I will quote the words of this important decision, dated May 19th, 1870—

"In view therefore of these various facts and considerations, Her Majesty's Government have now to intimate to your Excellency the conclusion to which they have come, after a careful consideration of a controversy which has now been going on for a long course of years. This conclusion is that rating or local expenditure is to be regarded, as it has hitherto been regarded in all the provinces of the Empire, as taxation separate and distinct from the ordinary land revenue; that the levying of such rates upon the holders of land, irrespective of the amount of their land assessment, involves no breach of faith on the part of the Government, whether as regards holders of permanent or of temporary tenures; and that, where such rates are levied at all, they ought, as far as may be possible, to be levied equally, without distinction and without exemption, upon all the holders of property accessible to the rate."

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These orders were passed, as I have said, in connexion with the Road Cess Act, but the question was again re-opened by the zemindars in connexion with the Public Works Cess, and again the zemindars received, this time from Sir Ashley Eden's Government, a very forcible repudiation of their claim, and in that repudiation the Government of India expressed their entire concurrence—

"If," said the Viceroy in Council, "the arguments which are now urged, and which have been repeatedly refuted, were to be admitted, it is hardly too much to say that no fresh taxation, which in any way touched the landholders of Bengal, could be imposed by the British Government. If such taxes as the income tax and cesses for works of local utility cannot be imposed, it would be difficult to specify any taxes which would not be liable to similar objections, and we should be brought to the conclusion that in consequence of an arrangement made with the zemindars of Bengal nearly a century ago—an arrangement, it must be added, which now leads to the annual loss by the State of several millions sterling of revenue—the Government must virtually abandon the right to levy fresh taxation in the province which is naturally richer and which is far less heavily taxed than any province of the Empire. Fortunately, as the Lieutenant-Governor has observed, no such questions actually arise, because no such claims for exemption can ever be admitted."

It is in face of these repeated declarations of the highest authorities in India and in England that we are now told that this Bill is *ultra vires*. In effect we are told that, because of the advantages conferred on zemindars by the Permanent Settlement, they are entitled to claim still further advantages to which no other class of the community lay any claim. It is possible that the Hon. Members who have raised these grounds of objection were not aware of the despatches from which I have quoted, and if this be the case, they will, now that they are aware of them, probably withdraw from an untenable position. But if, on the other hand, they persist in claiming exemption from taxation for all future time for such purposes as that which forms the subject of this Bill, then all I can say is that argument with the Hon. Members would lead to no useful result. There would be no room for argument, and I should have to content myself with affirming it to be clear that the Government, both under the strict letter of the settlement and in accordance with its general power to impose rates for local expenditure, has an indisputable right to levy a cess on zemindars for the maintenance of these village establishments.

I do not think, Sir, that I need say more on the present occasion. I will therefore conclude by repeating that the method in which the cess should be levied, or its precise amount, or other matters of detail not touching the principles of the measure to which Hon. Members have referred, are questions which no doubt will receive due attention from the Select Committee if the Bill be referred to one. To the adoption of the provisions on these minor points of the Bill as now drafted the Bengal Government does not absolutely bind itself; and if any modifications on these points are proposed and supported by cogent reasons, no doubt they will be fully considered by the Select Committee. But the principles of the Bill seem to me to be above the reach of attack, and I trust that I may have so far brought the Hon. Members who have opposed the Bill round to the same view, that they will not persist in the attitude of opposition which they have assumed. I now propose that the Bill be read in Council.

His Honor the President said:—I wish only to say a few words, before putting the motion to the Council, to remove a misapprehension which has arisen in reference to what has fallen from one or two Hon. Members regarding the objects of this Bill. I would allude, first, to the objection which was taken by my Hon. friend Mr. Miller, that we are legislating here admittedly upon a Bill which is supplementary to the Bengal Tenancy Bill, now under the consideration of the Government of India; that as the Tenancy Bill has not yet passed, it is premature to initiate legislation of this kind, and that we are in an illogical position in attempting to do so. My Hon. friend who is in charge of the Bill has shown that, even if we had to deal only with our own *khas mehals*, a Bill of this kind would be necessary, though it would be a very small measure compared to the number of estates and extent to which it would apply as regards the whole of Bengal and Behar. Still, even if we had to legislate for our own property only, I think it would be necessary to legislate. But beyond this, I have told Hon. Members that I have no intention to pass this Bill this Session; and if the motion to-day is carried and the Bill is referred to a Select Committee, and if the Select Committee submit their preliminary report before we break up in the ordinary time, my desire is to circulate the Bill with the report of the Select Committee for the consideration of all district and local officers. Consequently there will be no possibility of our passing this Bill, if we carry out that intention, before the supreme Legislature has come to a decision on the Bengal Tenancy Bill. Therefore the argument which my Hon. friend has adduced as to the illogical position in which we are placed is dispelled, for we shall certainly not legislate here finally until we know the result of the larger measure before the Government of India.

Then as regards the objection which I think my Hon. friend Joy Prokash Lall put forward. I will not enter with him into a discussion as to this Bill being a breach of the intentions of the Permanent Settlement, because they have been partly answered by my friend to the right (Mr. MacDonnell). I will only observe this, that any measure of the kind which is brought forward, whether an income tax or a road cess, or a customs duty, is always opposed by zemindars as a breach of the Permanent Settlement. It seems as if no legislation which at all touches land can be attempted without raising the plea, which is so frequent and common in the mouths of zemindars, that we are breaking faith with them as regards the Permanent Settlement. Now I would remind Hon. Members that the zemindars of Bengal are very much better off than the zemindars in other parts of the country. Considering the extent of Bengal, its population and its richness, it pays infinitely less revenue than any other province in India. If we have regard to the details of my contention, let us look to the irrigation system as it is carried out at the expense of the Government. In the North-Western Provinces the Government has been able to recoup itself to some extent by a charge on the zemindars for the benefits derived by them from the use of the water, but here in Bengal the zemindars are absolutely free against any such charge, and not only are they free, but they enjoy all the advantages of the large expenditure which the Government has

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incurred in the construction of canals for the supply of water, and gain the whole benefit of enhancement of rent resulting from our irrigation works. Therefore I say that the zemindars of Bengal are a favoured class; they pay much less revenue than any other similar class in any other part of the country, and have less right than others to object to their liability to assist the Government in a measure of this kind.

Objection has been taken by my Hon. friend who has recently joined the Council (Lalla Ban Behari Kapur), and by the Hon. Member from Dumraon, as to a Bill like this not being required, and as being one likely to create and promote litigation. Well, I must answer to that, that Bengal again in this matter enjoys purely exceptional advantages and an exceptional position. In every province in India some system of this kind of village agencies obtains. There are Thougyies in Burma, Patels in Bombay, Mouzadars in Assam, and Patwaris in the Central Provinces, in the North-Western Provinces, and in the Punjab. Bengal is the only province which has no such village system at all; and not only has there been no litigation, and no trouble in those provinces by the existence of such institutions, but a very superior and direct advantage has accrued in them, both to the Administration and to the people, including proprietors and tenants, and I think we may fairly look to the same advantage resulting to Bengal by the proper introduction of a measure of this nature. I have no doubt that its first introduction may cause some litigation, but by its tentative introduction and gradual assimilation to the circumstances of districts, I believe that the fears which have been expressed to-day regarding litigation, disputes, and disturbances between zemindars and raiyats are very much exaggerated. It is proposed to apply it very gradually to one district at a time, and it will depend upon its success there how soon and quickly it can be extended to other parts of the country.

I will now turn to the objection of the Member who represents Orissa. He may be perfectly sure that, not only as long as I am Lieutenant-Governor, but as long as other Lieutenant-Governors occupy the place I do, there never will be any intention of breaking the engagements which the Government have made with the zemindars in any part of the country during the currency of a settlement. The settlement in Orissa will come to an end in 1897, and I hope by that time the Government of the day will be able to take up the detailed survey and settlement of the province on a proper and complete system. It will be time enough then to consider whether a measure like this will be required in Orissa. As matters stand, the Hon. Member is crying out before he is hurt. He has twelve years more to enjoy the current settlement, and at the end of that time, if this measure is successful in Bengal and Behar, it will be for the Government then to extend it to Orissa.

The object of the Bill is to get at the facts connected with the agricultural economy of the country. For the last ninety years we

have been endeavouring without any success to arrive at these facts. Everybody complains; those who have been discussing the Rent Bill for the last six or seven years complain; gentlemen who come to India to make enquiries about it complain; the zemindars themselves and the raiyats, if they could speak, also admit that neither the Government nor the zemindar, nor the raiyats, have any positive knowledge of the facts which exist in regard to their relations to one another as regards their own property. The zemindars have always contended that any interference of this kind is unnecessary, because they possess the information themselves. But there are two objections to that statement. *First*, the information that they possess is not always correct; and *second*, whenever it is brought forward in Courts, it is objected to as coming from no authoritative source and founded upon no proper basis. I will give an illustration of what I mean. We were discussing the other day a question in Select Committee on the Rent Bill as to the form of receipts. The form of receipt submitted for acceptance simply proposed to give the name of the tenant, his father's name, the extent of his holding and position, and some sort of information as to the crops he grew and the inclusion of miscellaneous payments in regard to *phulker*, *bunkur*, and *jhalker*. An Hon. Member in the Select Committee, speaking with a good deal of experience, said that not one zemindar in a hundred would be able to give a return of that kind of the raiyats on his estate. That assertion seemed to me to expose the darkness which prevails as between raiyats and zemindars in a more marked manner than I had ever conceived to be possible; that the zemindar should not be able to say how much every raiyat in his property holds, what rent he pays, what crops he generally grew, and so on. If the zemindar has not been able to give what the Government has hitherto been unable to get, it seems to me to open the door to every kind of collusion and fraud, and I am satisfied that until you get to the basis of that knowledge you will never get any peace in the country. In this dark ignorance lies the chief cause of the litigation of which you complain. In this Bill it is attempted to get at those facts which every one desires to obtain, and yet not to attempt to get at them too hurriedly, but carefully and tentatively. Certainly there is no wish to force ourselves into legislation which can be seriously regarded as a breach of the Permanent Settlement, and as an unjust interference with the zemindars' rights. The experience of other parts of the country shows that this is not the case. I therefore most strongly support the Bill. I do not say that I support every detail which appears in it, but I hope it will be allowed to go to the Select Committee to receive that attention which a Bill of this character should receive. I am glad to know that it is proposed to place on the Select Committee three native gentlemen possessing an intimate knowledge of the subject, and I hope that that Committee will in time place before us a measure which will realize our hopes and wishes, and place in our possession that united knowledge and information which it is necessary for the Government to secure for effective administration and the maintenance of peace and order

His Honor the President.

The question that the Bill be read in Council having been put, the Council divided :—

Ayes.	*Noes.*
Hon. Moulvie Abdul Jubbar.	Hon. Lalla Ban Behari Kapur.
Hon. Mr. Garrett.	Hon. Joy Prokash Lall.
Hon. Mr. MacDonnell.	Hon. Kumar Baikanto Nath Dé.
Hon. Mr. Macaulay.	Hon. Mr. Miller.
Hon. Mr. Reynolds.	
Hon. Acting Advocate-General.	
His Honor the President.	

The motion was therefore carried.

The Bill was read accordingly.

The HON. MR. MACDONNELL also moved that the Bill be referred to a Select Committee consisting of the Hon. Mr. Reynolds, the Hon. Mr. Garrett, the Hon. Moulvie Abdul Jubbar, the Hon. Joy Prokash Lall, the Hon. Lalla Ban Behari Kapur and the Mover.

The motion was put and agreed to.

The Council was adjourned to Saturday, the 21st instant.

By subsequent order of the President, the Council was postponed to Saturday the 28th instant.

Saturday, 28th February 1885.

Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, K.C.S.I., *President.*
THE HON. A. PHILLIPS, *Acting Advocate-General.*
THE HON. H. J. REYNOLDS.
THE HON. C. P. L. MACAULAY.
THE HON. A. P. MACDONNELL.
COLONEL THE HON. S. T. TREVOR, R.E.
THE HON. C. B. GARRETT.
THE HON. MOULVIE ABDUL JUBBAR.
THE HON. A. B. MILLER.
THE HON. KUMAR BAIKANTO NATH DÉ.
THE HON. RAI JOY PROKASH LALL BAHADOOR.
THE HON. G. IRVING.

KIDDERPORE DOCKS.

THE HON. MR. REYNOLDS, in presenting the report of the Select Committee on the Bill to enable the Commissioners of the Port of Calcutta to construct Docks, said that, as there was no motion before the Council, he did not propose to enter into any discussion on the subject, but he would give notice that it is proposed to take the Bill into consideration at the next meeting of the Council.

The Council was adjourned to Saturday, the 7th March 1885.

Saturday, 7th March 1885.

Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, K.C.S.I., *President.*
THE HON. A. PHILLIPS, *Acting Advocate-General.*
THE HON. H. J. REYNOLDS.
THE HON. C. P. L. MACAULAY.
THE HON. A. P. MACDONNELL.
COLONEL THE HON. S. T. TREVOR, R.E.
THE HON. C. B. GARRETT.
THE HON. MOULVIE ABDUL JUBBAR.
THE HON. A. B. MILLER.
THE HON. KUMAR BAIKANTO NATH DÉ.
THE HON. RAI JOY PROKASH LALL BAHADOOR.
THE HON. G. IRVING.

KIDDERPORE DOCKS.

THE HON. MR. REYNOLDS SAID:—I beg to move that the report of the Select Committee on the Bill to enable the Commissioners for the Port of Calcutta to construct docks, be taken into consideration in order to the settlement of the clauses of the Bill. I need not tell Hon. Members that this matter of the construction of docks at Kidderpore has been, for many weeks past, the subject of very animated debate and discussion in Calcutta. It has been discussed in letters in the newspapers and in the memorial presented to this Council, which is now in the hands of Hon. Members. I may say that I think it shares with the Rent Bill and the war in the Soudan the distinction of being one of the burning questions of the hour in Calcutta. If I had nothing more to deal with than the letters which have appeared in the newspapers, I am not sure I should care to detain the Council with any attempt at a detailed refutation of the wild statements and wild mis-statements which have appeared in those letters. I have been struck, and I think Hon. Members must have been struck, with the fact that the authors of those letters have not sufficiently had the courage of their opinions to sign their names to those letters, and I might, I think, be satisfied to say to the Council that we have on one side the opinion of the Committee of 1883—an opinion which was endorsed and accepted by the unanimous vote of the Port Commissioners and the Chamber of Commerce—the opinions of the Local Government and the Government of India and the Secretary of State; and on the other side we have those anonymous and irresponsible statements, and that I leave it to the Council to say which alternative may fairly be accepted. But the memorial before the Council is a document of a very different character. It is numerously signed by some of the leading mercantile and trading firms in Calcutta, who are deeply interested in the commercial prosperity of the Port, and is a document which deserves, and which will, no doubt, receive the fullest con-

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sideration at the hands of this Council. The contentions of the memorialists appear to me to be to the following effect: *First*, that the docks are not wanted either for imports or for exports. Not for imports, because sufficient accommodation already exists for the import trade, and not for exports because the export trade of Calcutta is declining, and more particularly the trade in wheat and oilseeds. *Secondly*, that such accommodation as the proposed docks would give would involve further charges on the trade of the Port. *Thirdly*, that the general import vessels ought not to be taken away from the jetties to docks at some distance from the town. *Fourthly*, that the arrangements for raising the loans in India are open to objection. And, lastly, that the sanitary effect of the docks would be at the best doubtful. I think, however, I should most fairly represent the case of the memorialists by quoting their summing up in their own words:—"*First*, that at present there is no need for any extension of the Port. *Second*, that should need for such extension arise, the proper course would be to extend the Port on its present lines. *Third*, that the building of a dock at an enormous expense will be a great burden on the trade of Calcutta, because it has never been shown that docks will be either the means of reducing the charges or facilitating despatch: on the contrary, your memorialists confidently assert that the charges must be increased. For these reasons your memorialists pray for the appointment of an impartial Committee to re-consider the whole subject, and to take evidence from practical persons as to the advisability or otherwise of proceeding with the work, and they also pray that, pending the report of such a Committee, the work now going on may be stopped."

This memorial is addressed, as Hon. Members will have observed, to the President and Members of the Legislative Council of the Lieutenant Governor, and I admit that the memorialists are strictly within their right in so addressing us, because the Bill now before the Council contains in its preamble a recital that it is expedient to empower the Port Commissioners to construct docks at Kidderpore, and if the memorialists desire to traverse that statement they have no doubt a perfect right to do so. At the same time it should, I think, be remembered that the Lieutenant-Governor is not only the President of this Legislative Council, but also the Executive Head of the Government of Bengal, and I think that the Government of Bengal in its executive capacity has reasonable grounds for complaining of the line of action taken by the memorialists. It is not as if this matter were one which had been hastily undertaken and without consideration, or so as to keep the Public, and especially such persons as the memorialists, in the dark as to what was going on. I do not think I need trouble the Council over again with the history of the various steps of these proceedings. I need not recount in detail the history of the Diamond Harbour Dock Committee of 1882, and of the Committee of 1883; nor need I draw attention to the references which were made to the professional advisers of the Local Government and the Government of India, and to the various steps which have taken place from time to time until we reached the present stage of affairs; but it seems to me hardly fair to the Executive Government that now, when the progress of this work has reached an advanced stage,

we should be asked to stay their hands. When the work is going on under the sanction of the Secretary of State, when the land has been taken up and contracts entered into, when the ground has been cleared for the work of laying the foundation of one of the walls, and when something like 18 or 20 lakhs have been already expended, it seems to me rather late in the day for the memorialists to come forward in this way, and to say that the whole scheme is a delusion and a mistake, and that the question of making docks at Kidderpore ought to be re-considered *ab initio.* But I do not wish to put the memorial aside on any such grounds as these, or to argue that the memorialists have really allowed judgment to go against them by default. I am willing to meet them on their own ground. What would be the action of the Bengal Government on receiving such a memorial as this—a memorial upon a work of great importance deeply affecting the commercial interests of the town? The natural proceeding of the Government in such a case would be to consult the great representative Associations, the Trades' Association, and the Chamber of Commerce, which are the natural and proper advisers of the Government in questions of this kind. We have amongst us a member of this Council who is a member of the Trades' Association, and who will, I trust, tell the Council what he thinks on this question. We have not amongst us any member of the Chamber of Commerce, but it so happens that this question of the docks was very fully discussed by the President of the Chamber of Commerce in his annual address to the Chamber only a week ago. I have the report of that address by me, and I propose to refer to it at some length as going very fully into the questions raised by the memorial. The first point touched upon by the President in his address is this question of the delay made in bringing forward these objections. He remarks that this memorial comes sixteen months after the report of the Dock Committee was issued, and eleven months after the sanction of the Secretary of State was obtained; and he said:—"The Committee of this Chamber had a copy of the document before it on the 18th October 1883, and I find that no less than 90 copies of that report were then received by the Chamber from the Port Commissioners for distribution, all of which were distributed among members; while those firms that do not belong to the Chamber were furnished with copies from the Port Commissioners direct. I learn that the daily newspapers, the *Englishman*, *Indian Daily News*, *Statesman* and *Pioneer* were at the same time furnished with copies." The President then makes what, I think, is a just remark, that "criticism at that time would have been more acceptable, and more useful than now. But I do not remember one dissentient voice." He then goes on to discuss the question that the expenditure incurred on these docks will throw heavy burdens upon trade. He appears to think that it will not. He says that he is certain that there is "needless alarm," and that the docks will not be, in his opinion, a burden to trade, but the reverse. He then goes on to discuss the comparative charges upon trade and shipping under the system of cargo boats as it at present prevails, and of the arrangements which will have to be made when these docks come into existence. He shows that the number of

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licensed cargo boats on the Port Commissioners' register on the 31st January last was 4,951, and reckons what the up-keep and maintenance of these boats cost the trade of the Port, and he comes to the conclusion—I don't at all mean to endorse the exact correctness of the figures in his calculation—but he comes to the conclusion that the up-keep and maintenance of these boats cost the trade of the Port a very much larger sum than anything like what it will be called upon to pay under the dock system, and then goes on to point out two very material mistakes into which the advocates of cargo boats have fallen. He points out that in attempting to compare the advantage of cargo boats as against the advantages to be derived from docks, they have entirely overlooked the great value of time. "Time," he very truly says, "is money to a shipowner. The facilities given for rapid discharge and loading will, in fact, considerably cheapen the port to ships." The second point which has been overlooked by the memorialists is that though the charge which they represent as being the normal charge of the cargo boats may be, and perhaps is, the charge when business is slack and trade is bad, yet that is not the case when there is any press of business. He refers for example to what happened three years ago, when what was called then—this is not my expression—the "extortion of the boat proprietors" was the subject of very severe remarks by the commercial firms in Calcutta, and he says that he has heard it said that at that time one of the opposers of the present dock scheme addressed the then Viceroy direct about the neglect of the Port Commissioners in having permitted the trade of the Port to be at the mercy of the cargo boat owners, and he says that when the docks are completed there will be no chance of any such charges being laid against the Port Commissioners. He then goes into the question of the sanitary effect of the docks; he makes some remarks very well worth listening to on that head, and his conclusion is that trade will be conducted cheaper for everybody and an improvement made in sanitation and otherwise. That is a brief summary of the President's remarks. They are not the remarks of an irresponsible individual however distinguished, but the remarks of a gentleman of position, the President of the Chamber of Commerce of Calcutta, when speaking under a sense of the responsibility which must attach to the President when making his annual address. It may be said that the President of the Chamber is Mr. Keswick, and that Mr. Keswick is a Port Commissioner; that is very true, and it is a fortunate thing for the Port Trust of Calcutta that he is a Port Commissioner. The Port Trust does not contain a more useful or more energetic member than Mr. Keswick. Those who know him must know very well that he is too clear-sighted to be deceived in a matter of this kind, and too independent and too outspoken to advocate any cause which he does not believe to be founded on justice, and I might almost leave the memorial to be disposed of upon the arguments set forth by him in his presidential address, if it were not that there are some points in the memorial which I wish to examine a little more in detail.

The memorialists say at the bottom of the 3rd page of their memorial:—"Your memorialists now understand that these docks are to be made for an entirely different purpose—that is for a different purpose than that mentioned in the preceding paragraph—that general import ships are to be diverted to the docks, and the jetties made over to the coasting and inland steamers, for which they are entirely unsuitable; so that in fact the existing arrangement for salt, iron, and coal laden ships will remain the same, and the 673 ships will continue to load as heretofore in the stream; in other words, the increased facilities will be offered to the coasting and China steamers which are especially excluded from the Committee's report, and no additional facilities will be offered to the 673 sailing ships, the accommodation for which formed the single object of the Committee." Now the memorialists in this passage refer, I imagine, to a report of the Port Commissioners which was lately submitted to the Government of Bengal. That report was drawn up in reference to a despatch received from the Secretary of State on the subject of the docks. The Secretary of State has proceeded in this matter with a sobriety and caution which, I think, might satisfy the most careful of the memorialists. Although he had before him a strong consensus of opinion as to the advantage and advisability of giving sanction to the construction of the docks, he determined to proceed in a tentative manner at first, and so he only gave sanction to the construction of the tidal basin and approaches and to the completion of dock No. 1. Of course the expense of the approaches and tidal basin under this arrangement would have to be paid for out of the receipts for dock No. 1 alone instead of from the docks altogether, so that whereas the expense would not be very greatly diminished, the receipts from the docks would, of course, be very considerably smaller than they would be if the whole scheme had been brought into successful operation. Consequently the Port Commissioners thought it necessary to consider how far the scheme under these altered conditions could be worked, so that it might reasonably be expected to be a financial success, and they came to the conclusion that if the trade of the Port and the number and tonnage of vessels were to increase during the next few years at the rate of increase of the last ten years, the receipts from dock No. 1 alone would be about 17½ lakhs and the charges about Rs. 14,35,000, giving a surplus of something over 3 lakhs of rupees. But the Commissioners thought that an estimate of this kind would not be entirely satisfactory to either the Public or the Government. Whatever we may think as to the temporary character of this depression of trade, no doubt it would be more satisfactory if we could show that even on the face of the present figures, the scheme would be a financial success. On going into these figures the Port Commissioners found that the receipts would come to about Rs. 15,85,000, and the charges not above those previously estimated, that is about Rs. 14,35,000, and taking merely the receipts from Dock No. 1, and putting entirely aside the great increase of income which would be received at a comparatively small increase of expenditure when Dock No. 2 should be finished—taking Dock No. 1 alone, we might very fairly reckon upon a surplus income of about one and a half lakhs of rupees. But this decision of the Secretary

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of State necessarily involved, besides our looking at the financial question, our modifying the arrangements previously contemplated as regards the method of using the docks. It was originally intended that salt, coal, and iron carrying ships should be accommodated in Dock No. 2, Dock No. 1 being intended for general cargo-ships and sailing vessels. So long as sanction was withheld from the completion of the original scheme in its entirety, we should not be able to carry out the arrangements originally intended, and that is, I suppose, what is meant by saying that the arrangements for salt and iron and coal carrying ships will be the same as at present. I do not know whether the memorialists really understand the facts of the case, but this assumes that the arrangements which the Port Commissioners are now suggesting are intended to be permanent arrangements. I do not entertain the least doubt that by the time we have completed the first dock we shall have obtained sanction for the second, and my opinion on that point is confirmed by the favourable results which have been obtained thus far in the measures which have been taken for the construction of Dock No. 1. Whereas all kinds of apprehensions have been expressed with regard to the nature of the soil, we find it turns out that the soil is particularly favourable and excellent for working. You can get down to a depth of 30 feet, and I understand that the engineer in charge is sanguine of being able to complete the south wall (which is really the one about which, being nearest to the river, most apprehensions might have been entertained) without the use of wells, and that implies the saving of a considerable part of the expense originally estimated for. Of course, I do not wish to lay too much stress on the favourable nature of the soil thus far. We may come upon an unfortunate piece of ground which may involve us in very great expense, but so far as the work has gone the character of the soil has fully answered, and more than answered the expectations of our engineers, and affords a very conclusive argument to justify the Port Commissioners in the decision they came to that the docks should be constructed on the Kidderpore side and not on the Howrah side of the river. If we had constructed them on the Howrah side of the river, we might have met with the fate which lately overtook the new boat dock of the East Indian Railway, and have seen our dock disappear almost as soon as its construction was completed.

The next point in the memorial that I would ask attention to is the question of sanitation. "The effect," the memorialists say, "of these docks on the sanitation of Calcutta is a matter which requires the most careful consideration both by the civil and military authorities." It really might be thought from that that the memorialists are not aware that any consideration whatever had been given to the matter. They ought to have known that this question of the sanitary effect of the docks has been very carefully considered, and that the best authorities are of opinion that the docks will have no unfavourable effect in that direction. I find that just the same objection was made at Bombay when the construction of Prince's Dock was under consideration. Well, it turned out just the contrary. I don't wish to lay more stress on that circumstance than it is worth, because of course Prince's Dock is a salt water dock, but that was one of the questions referred to by Mr. Keswick in his address to the Chamber

of Commerce. He went in some detail into an explanation of the manner in which the sanitation of the docks would be provided for. To prevent stagnation of the water a continual flow of water through the dock will be kept up. Mr. Keswick came to the conclusion that there was no reason whatever for the apprehensions which had been expressed; and that is the opinion of two gentlemen of considerable attainments in the science of sanitation and of good acquaintance with Calcutta; I refer to Dr. Chevers and Dr. Macnamara. That is also the opinion of the Health Officer to the Port Commissioners, who has been consulted on the point; and these docks are to be constructed partly on the site of a number of bastis of an extremely unsanitary character, the rest of the site being now occupied by swamps, and the whole being honeycombed with some hundreds of tanks of the most filthy description. So that it will be seen that the general state of the neighbourhood is not at all satisfactory at present from a sanitary point of view. I think, therefore, that there can be no danger to the sanitary condition of the town by replacing a neighbourhood of that character by a sheet of water which will be kept, as far as such a thing can be done, in a state of purity by having the water continually renewed and replaced.

I would now ask the attention of the Council to what is said on page 4 of the memorial. They say:—"Should, however, the Government be determined to go on with the work, your memorialists would ask for an authoritative ruling—(1) that no pressure shall be put on the vessels to use the new docks; and (2) that cargo boats shall be allowed free ingress and egress to and from the docks for the purpose of loading or unloading vessels therein; and that no dues will be charged on goods conveyed to or from vessels in cargo boats." As regards the first of these two authoritative rulings, I can only say that there is no intention whatever, and never has been, to put any pressure on the vessels. As to the second point, according to the present scheme which has been sketched out, though not finally completed, cargo boats will be charged two annas a ton, the same charge as is now made for landing and shipping cargo over the inland vessels' wharves. But I do not anticipate any extensive use for cargo boats by vessels that are berthed in the docks. Those vessels will find conveniences, the want of which interferes so much with the use of the jetties by export vessels. They will find attached to the dock sheds where produce for shipment can be stored beforehand. This shed accommodation will be found not only a very great service to the export trade and the commerce of the Port, but will enable shippers to dispense, to a very large extent, with cargo boats.

I am afraid I have rather wearied the Council with a long discourse. But it really seems to me that the pith of the memorial lies in two points:—*First*, that the trade of Calcutta is declining; and *secondly*, that the docks will be more expensive, and put greater charges on trade than are involved in the present system of business by the use of cargo boats. Now as to the first point that the trade of the Port—more particularly the export trade—is declining. General cargo vessels have increased during the past ten years at the rate of 4½ per cent. per annum per number, and 10 per cent. per annum

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the fact that these are the men conversant with the working of Municipalities, whose opinions, however interested, should be respected until further enquiry is made. We are not bound to reject them. What do we now propose to do? We propose that the Lieutenant-Governor shall have the power to extend the elective system after full evidence is taken that the system should be extended in particular cases. That is all that we ask, and all that the Hon. Mr. Dampier referred to. I think it would be unnecessarily taking up the time of the Council to say anything more on the subject. I must ask Hon. Members to weigh carefully and consider well the arguments put forward by the Hon. Mr. Dampier, and, so far as I have been able to judge of the debate, it does not appear to me that those arguments have been met by the Hon. Members who have spoken.

The HON. MR. MACAULAY said that as he spoke at the last meeting on the motion before the Council he had no right to speak on the present occasion, but he would ask His Honor the President whether there was any means by which he could place before the Council the telegram which had been referred to by the Hon. Member in charge of the Bill.

HIS HONOR THE PRESIDENT said he did not think there was any objection to the Hon. Member reading the telegram which he had received, with the permission of the Council.

The HON. MR. MACAULAY, with the leave of the Council, then read the telegram, which was as follows:—

"The Municipal Commissioners of Patna—26, of whom 10 are officials—we, 11 non-officials, are strongly of opinion that the Patna Municipality is quite ripe for elective franchise Khodabux, Sukhraj Bahadoor, Alihassan, absent, but joined election meetings; Nawab Valayet Ali presided at a public meeting, where the election was unanimously resolved, and no meeting of Commissioners ever was held to discuss this question. Chairman's note, quoted by Mr Beverley, is unknown to us. Please read this in Council. We could not consult others."

The HON. THE ADVOCATE-GENERAL asked whether the telegram which had been read was in answer to any communication which had been made to the persons who had sent the telegram.

The HON. MR. MACAULAY said that it was certainly not the case. He had made no communication whatever to the parties. He had received the telegram, and was asked to read it to the Council.

The HON. MR. DAMPIER said that from the course which Hon. Members had taken in not speaking to his amendment, though they addressed themselves to the arguments which he had brought forward in the course of their speeches on the Hon. Mr. Beverley's amendment, he had no opportunity of answering what had been said against his own motion.

The HON. MR. MACAULAY reminded the Hon. Mr. Dampier that he had spoken immediately after him at the last meeting and had endeavoured to answer him.

whereas the cargo boats do the work for only eight or ten annas per ton. But as I have already noticed they have overlooked two very principal points, the point of the additional saving of time, which is practically the saving of money, by the more speedy manner in which docks enable produce to be handled, and they have—I will not say overlooked—but they have not noticed the fact that the Port Commissioners have no object in working these docks for profit, and that if a time of pressure should come, the Port Commissioners will not take that as an opportunity for raising their charges in the manner in which it has been complained cargo boat owners have done more than once, when there has been a special strain on the resources of the Port. But besides this, when the memorialists compare the charge of one rupee per ton at the docks with eight annas per ton on the boats, I do not think that they quite state fairly the conditions of the case. The charge of one rupee per ton will take the produce into the ship, the charge of eight annas or ten annas per ton brings the produce alongside the ship only. There is a very material difference between those two things. There is no doubt a considerable amount of capital invested in these cargo boats; but the figures given by Mr. Keswick in his presidential address, which were subsequently challenged by a writer in the papers, and which I took the trouble to have verified in the Port Commissioners' Office and found them to be perfectly right, show the total number of licensed cargo boats to be 4,951. Of these 1,036 are square built, with a tonnage of about 25, and the rest are native built, with a tonnage of about 10. So that Mr. Keswick was perfectly right in his figures, although when he assumed what the expense of the up-keep of the cargo boats was, he was apparently assuming that the whole of them were square built boats of about 25 tons; therefore his estimate of 35 or 36 lakhs as the annual cost involved in the maintenance of cargo boats, irrespective of anything like profit to the owners, was, I think, a good deal beyond the mark, but even when we make a large deduction on that account, it must be perfectly clear that the up-keep and maintenance of such a fleet of boats as this, added to a reasonable sum for interest on outlay in the first instance and the profits of trade, must come to much more than will be charged for interest on the outlay upon the docks. I think the construction of these docks will not add any additional burden, but will enable the Port Commissioners to reduce the present charges.

I would only say in conclusion that it is the duty of those who have to consider this question to regard the inevitable results of the progress of railway extension which is now going on. By the time Dock No. 1 is completed we shall have the Bengal and Nagpur Railway at work, and that and the other railways which have been lately completed or are under construction in Bengal will undoubtedly have the effect of pouring into Calcutta a much larger amount of produce than we have ever hitherto had to deal with. This produce will come in on the Howrah side of the river, and it can be dealt with by the docks in the cheapest and most effective manner. The shed accommodation will enable it to be stored ready for shipment, it will be shipped with the greatest advantages and as speedily as possible, and therefore, I think, we should make a great mistake if, on a consideration of such objections as are put forward in this

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memorial, we were to feel any doubt or hesitation as to the action we should take in now going on with the Bill. The memorialists say that there is no present need for extension in the Port. I deny that. I think there is need, because I can see in the immediate future a very great expansion of traffic. Then they say that if the need for such extension should arise, the proper course would be to extend the Port on its present lines. In other words, they mean that we ought to add to the number of the jetties instead of building docks. I deny that also. Those who have been consulted on the question are of opinion that an addition to the number of the jetties would be a mistake, and that the security which docks afford against cyclones and storms is a conclusive argument in favour of docks as against jetties. Lastly, the memorialists declare that the docks will neither reduce charges nor facilitate despatch. I think I have shown that there are excellent reasons for believing that the docks will conduce to both these results.

Coming now to the prayer of the memorialists, I find that they pray for the appointment of an impartial Committee to re-consider the whole subject. I suppose they mean to imply that the Committee already appointed was not an impartial one. I leave the justice of that insinuation, if it is intended as such, to the judgment of the Council. For myself, I think it is quite impossible for any Committee to be appointed that could be more truly representative or more fully command the confidence of the Public than the Committee which was appointed for the consideration of this question. I therefore move with some confidence that the Council do now proceed to take the report into consideration.

THE HON. MR. MILLER said that he thought there were very grave reasons why this motion should not be adopted by the Council. When this Bill was first introduced, or rather when leave had been obtained to introduce it, it was under an absolute and entire misapprehension of the existing public opinion. He did not make this statement in any way whatever as a matter of complaint, and he was perfectly well aware that ever since this improvement had been in contemplation the Government had been actuated entirely and absolutely by an endeavour to interpret what it believed to be the commercial interests of the Calcutta Public. He was perfectly aware also that the Port Commissioners and the Dock Committee, composed of gentlemen of tried ability and tried position, who had been appointed to endeavour to carry out the project in some definite form, had all, from the commencement up to the present moment, been actuated by absolute sincerity of motive and singleness of object, but he could not help seeing that, at the present time at all events, the Government of Bengal, the Government of India, and the Secretary of State, in recommending this stupendous scheme, were acting under a misapprehension of public opinion. Mr. Miller ventured to turn to the speech of the Hon Member when he first applied for leave to introduce the Bill, and there he found the following passage:—

"As a summary of the whole question, I believe I cannot do better than refer to the Council, if it will permit me to do so, the concluding words of the despatch in which the Government of India recommend the adoption of this scheme to the Secretary of State.

They said:—In conclusion, we would observe that the pressing need of improved facilities for the increasing trade of Calcutta cannot be too strongly insisted upon. The trade is rapidly expanding, and there is probably no public work on this side of India at the time which can be said to be as important as the Calcutta Port Improvements. The construction of docks will undoubtedly give great facilities, now wanting, to Calcutta merchants in the prosecution of their business, the process of loading and unloading cargoes will be considerably expedited, goods will be better and more conveniently warehoused, and the sorting and cleaning of wheat before shipment will be promoted; while the general concentration of business will be a welcome relief to those concerned with trade and shipping."

MR. MILLER then desired to quote the more important words which he would press upon the consideration of the Council:—

"The measure now proposed is formally supported by an absolute consensus of official and non-official opinion, and has the entire approval of the local commercial public. We trust, therefore, that we may be favoured with sanction to its being undertaken at the earliest practicable date."

The Hon. Member further went on to say:—

"These are the grounds on which the Government of India recommended the adoption of this scheme, and it is on these grounds that I now ask the Council to grant leave for the introduction of the proposed Bill."

MR. MILLER again repeated that the Hon. Member was at that time apparently perfectly justified in the remarks he made, and he was bound to say when he listened to the Hon. Member, that he accepted the statements as expressing the real condition of affairs. Now they were entirely and absolutely in a different position. Since the Hon. Member made that speech a very important section of the shipping community had come forward to inform this Government and their Council that the Secretary of State was mistaken; they dissented in a very strongly worded memorial, and this memorial had been criticised by the Hon. Member with great fairness, although possibly with a little scolding at the beginning and the end. Still it was fairly criticised. But it was impossible to remove the fact that there was a very large number of influential merchants, consisting of men of large experience, than whom no section of the community could possibly be more interested in this proposed legislation, and who came forward to tell the Council that they were afraid of the consequences of this large scheme; that the scheme was unnecessary and undesirable; that they viewed with dismay the danger of this scheme not turning out the financial success which it was suggested it would turn out, and that the results would be very disastrous to the future trade of this Port. As the Hon. Member had pointed out to the Council, the memorial was most influentially signed. If they looked down the names, they would find a large number of the principal shippers in Calcutta, a large number of those who were engaged in trade, and a large number of miscellaneous merchants who were interested in the promotion of the commercial prosperity of Calcutta. He did not care to follow the Hon. Member opposite into his analysis of the different clauses contained in the memorial; he agreed with him that the kernel of the memorial consisted in the allegation that it was clear that the

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recommendations of the Committee were based upon the idea that the trade of Calcutta would very largely increase indeed. In paragraph 15 the memorialists said:—"It is clear that the recommendations of the Committee were based upon the idea that the trade of Calcutta would very largely increase: indeed, in paragraph 50 they (the Dock Committee) say that there is nothing before them to make them doubt that the trade of the Port will continue steadily to increase; and that, on the completion of the Hooghly Bridge and the opening out and further development of the numerous tributary lines feeding the East Indian Railway, country produce would be pouring in at the rate of 1,250,000 tons per annum. The traffic returns of the East Indian Railway, however, tell a very different tale, the receipts from traffic for the year 1884 being no less than 56½ lakhs below those of 1883, and for January 1885 no less than 11 lakhs below those of January 1884."

Now it was quite possible, as the Hon. Member remarked, that this decrease of trade might be temporary, but Mr. Miller ventured to say that if, in the face of the existing depreciation of trade—and he thought no merchant at the present time would say that there was a silver lining to the cloud— this proposal had been brought forward for the first time—a proposal to spend three crores of rupees, as to which nobody could tell from where it could be got, and with further requirements possibly—he ventured to say that the idea would have been absolutely scouted. He had read with great interest the speech of the President of the Chamber of Commerce. He was a leading merchant in the city, a man of great ability and wide sagacity, and Mr. Miller could quite understand that Mr. Keswick would have looked with horror and consternation, if any one came to him at the present moment, with the shipping trade in a state of collapse, and said to him: "Now is the time, let us come forward and form a syndicate to establish new mills or extend existing mills." His answer would be "that is not business; you must wait for times of prosperity to go in for extension." Mr. Miller thought that that illustration ought to bring it home to them all how very unwise it was at a time like the present, when Government paper was falling, when the requirements of the Government in the shape of loans would be very great, when no note was taken of the possible necessity for the Government of India going into the money market and borrowing very largely, for them to discount the future, by adopting a scheme which might possibly hereafter, in the far future, be a great commercial success; but which, on the other hand, if it failed, could not but throw on the existing Port of Calcutta enormous charges which it might not be able to bear, and which might produce the result of sending the trade of the Port into the hands of competing Ports. He felt convinced that these were valid arguments, otherwise he would not vote against the motion. The Hon. Member had alluded to the very great benefit the project would confer on the Port, but with this part of the subject Mr. Miller was not familiar. He was only there that day simply to express his views, and because he could not help feeling that the alarms expressed by the memorialists were such as he believed existed to a very large extent outside that Council, and such as the present depreciation of trade very greatly justified.

He would now ask the Council to consider some of the remarks of the Hon. Member in his second speech when he introduced the Bill. The Hon. Member said:—

"The Secretary of State, in his despatch of the 11th March last, has distinctly laid down the principle that the ultimate charge for these works is not to fall on the General Revenues, and is not to involve any increase of Imperial or Provincial taxation."

There could be no doubt whatever that in the event of the dock scheme not paying the interest upon the loan, the port dues would have to be enhanced. The Hon. Member went on to say:—

"The report of the Committee of 1883 gives a careful analysis of receipts and expenditure, based upon the actual trade of the port for the previous year. Assuming the capital debt to be incurred for the construction of the docks to be Rs. 2,30,75,000, the report shows that the charge for interest would be Rs. 10,38,000, and that the working expenses would be about Rs. 7,38,400, making a total of about 17¾ lakhs a year. On the other hand, the receipts would be about 18½ lakhs, giving a surplus of about Rs. 75,000."

Therefore they had the satisfaction, from the estimates made, of this small margin of Rs. 75,000 to cover all possible losses. The Hon. Member then went on quoting figures on the theory of the trade improving, and the docks bringing in further profits, but Mr. Miller could not help thinking that they were going beyond actualities. The Hon. Member gave them a note of warning in this very speech. After giving figures he went on to say:—

"These figures are, of course, only estimates, and I need not remind the Council that in a work of this magnitude the cost is apt to exceed—and sometimes considerably to exceed—the original estimate."

In making out these figures they ought to place their calculations on actuals and not on possibilities, and they knew at all events that these possibilities were not likely to be realized for some considerable time to come. He also found that, though his Hon. friend had stated that the official opinions were all in favour of the scheme, there were several notes of warning in the opinions of the experts. The Secretary of State consulted Mr. Rendell, the first expert, and on looking through these papers he was very much struck by some portions of that gentleman's opinion. The first note of warning was found in a note by Mr. Rendell, dated the 1st January 1884, in which he said:—

"Modified, therefore, also as I propose in respect to depth, I fear that, if I were to make an estimate, it would be largely in excess of that of the Committee."

Again, in a further opinion which was sent out by the Secretary of State, he said:—

"I judge from the wording of this paragraph that the Government thinks more lightly of the difficulty which will be encountered in the construction of these docks than I do. I do not hesitate to say that in my judgment no docks have yet been built which have involved so many and such serious risks as these. That they can be built I do not doubt, but their cost will be enormous for their area, and I do not envy the engineer who will be charged with their supervision. In respect to their cost, I may observe that, under ordinary circumstances, dock walls for depths such as we are dealing with may be built in this country for from £10 to £15 a foot run. Here even Mr. Bruce's estimate is Rs. 445, and the other gentlemen I have named place the cost 30 per cent. higher, exclusive of contingencies; and all the other works, except the excavation, are in something like the same ratio."

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or not is not much to the point. We have safeguarded the measure from negligence and failure by providing an efficient system of outside control, and now the fullest responsibility of carrying out the new system rests in their hands. We have for nearly thirty years had municipal administration, in one form or other, in Bengal. We have been able during that time to see the growth of these institutions, and we may affirm of the gentlemen who are Municipal Commissioners, that in the manner of doing their business they have realised the responsibilities which attach to the position of Municipal Commissioners. Considering we are going to adopt the system in large places only, where there is a Magistrate or Sub-Divisional Officer on the spot, and have safeguarded the exercise of the powers under the Bill by a proper and efficient control, we need have no hesitation in all these places to confer the privilege, not by the uncertain and discretionary will of the Government, but by the positive provisions of law. We cannot expect sudden and great improvement, but in five years, as in the case of the Calcutta Municipality, we shall, I think, be able to congratulate ourselves that we did not do anything to prejudice the measure of independence in the constitution of the Municipalities to which this discussion refers. And as regards the success of the general scheme of Municipal Self-Government, our hope is that Municipalities which have accepted it will loyally come forward to give effect to the confidence which has been reposed in them. I am willing to give them that confidence, believing that, when they accept it, they will accept it under a right sense of their responsibilities and duties. I shall therefore oppose the amendment.

The HON. MR. BEVERLEY's motion was then put to the vote and declared by the President to have been lost.

A division having been called for, the following votes were recorded :—

Ayes.—4.	*Noes.*—7.
The Hon. Mr. Alexander.	The Hon. Boykantonath Dé.
,, Mr. Beverley.	,, Harbans Sahai.
,, Mr. Dampier.	,, Mahomed Yusuf.
,, the Advocate-General.	Col the Hon. S T. Trevor.
	The Hon. Mr Macaulay.
	,, Mr. Reynolds.
	,, the President.

So the motion was negatived.

Section 8 was then agreed to.

Section 9 having been read—

The HON. MR. REYNOLDS moved that at the end of the section the words "or village from the operation of this Act" be omitted, and the words "village or land from the operation of this Act, or alter the number of the Commissioners of such Municipality" be substituted for them. He said that the introduction of the word "land" was rendered necessary by the language of section 12.

"There is another argument in favour of Mr. Bruce's plan of pumping. It is that this plan will preserve the purity of the water in the dock. The Calcutta Canal has a lock at each extremity—one on the Hooghly, another on the Sunderbun channels. It is therefore possible to admit water at one end and let it out at the other; but there is a loop and a chord line on the canal between the two locks: this makes it particularly difficult to change the water in the centre of the loop. Last year I had great difficulty in keeping the water in this loop decently clean: indeed, I failed, although I frequently changed more than half the water: the water in one particular *cul-de-sac* taking off from the loop of the canal (in which practically I could not change the water at all) became exceedingly foul. The circumstances of the canal and the proposed docks are not parallel, for some drainage is still permitted to flow into the canal. No doubt the dock will, however it be fed, be always cleaner than the canal was last year; but one of the causes which defiles the canal will be very potent to defile the docks; that is, the habit of native boatmen to use the rudders of their boats or a temporary stage instead of a latrine. We have latrines all along the Calcutta Canal, canal police are stationed along the banks, and every boat is moored alongside the bank; but we fail to stop the practice I refer to. In the docks it will be much more difficult to do so, as many of the cargo boats and all the ships which lie at the moorings in the centre of the dock (*see* paragraph 18 of Mr. Bruce's reply) will be a considerable distance from shore; and I am convinced that it will be found practically impossible to carry out the regulations contemplated in paragraph 32 of the Committee's Report, which propose to lock up all closets and urinals, and compel the large floating population to use the latrines on shore. I do not think a policeman on every native boat would compel the people to go on shore; indeed, many of them would not, as they have no boats."

That seemed to deal very effectually with these proposed regulations, and in the note by Mr. Molesworth and Colonel Brownlow they endorsed the opinion of Mr. Buckley, and said:—

"We consider that the reasons given by Mr. Bruce, and the facts regarding the deposit of silt in the entrances of the channels leading out of the river and the supply of Tolly's Nullah with comparatively clear water during the rains, stated in Mr. Buckley's note, are conclusive in favour of supply by pumping in preference to direct supply from the river. Further, we are strongly of opinion that, take what precautions we may, the water in the docks will become extremely foul if not frequently changed. It is stated in the Committee's report (paragraph 32) that all water-closets and urinals on board ships lying in dock will be kept locked and properly secured; but we do not see how the "forechains" of the ships can be padlocked, or how the crews of native boats lying in the docks can be prevented from fouling the water at night. We strongly support Mr. Buckley's recommendation that the pumping station be shifted to the extreme end of No. 2 Dock, furthest from the river."

Here in reference to the value of pumping there was an issue between the experts again; and at all events they were not unanimous in running the risk of adopting these sanitary regulations. Then Dr. Chevers was of opinion:—

"Having been ill, I fear that I may not be able to call upon you for a week or ten days. In the meantime, I entirely concur with Dr. Macnamara in the belief that the existence of wet docks at Kidderpore cannot in any degree injure health in Calcutta or in their own immediate vicinity.

"On the other hand, much of Kidderpore is thickly covered by a native bazaar. Should it be decided to dig there, there might be sickness in the neighbourhood while the process of excavation was in progress.

"Could you be so very kind as to send me a plan, as I cannot quite understand where the docks would be placed, most of the Hooghly bank of Kidderpore being occupied by the Dockyard, &c.?"

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Now, Mr. Miller did not consider himself as one of the opponents of Drs. Macnamara and Chevers, but he thought that the memorialists were right when they said that there was some danger of insanitary conditions arising, and they were clearly entitled to have the opinion of medical men on the spot, who should visit the locality and consider the consequences which might arise from placing these docks there. He believed this to be a most important question, and he thought that upon that ground alone the Government should grant the prayer of the memorialists to take medical evidence as to the way these docks were likely to affect the town.

He would not detain the Council much longer with any remarks of his own. All he could say was that he hoped the Government would see its way to re-consider the scheme. He was perfectly well aware that it was somewhat late in the day to make objections after the Government had spent a certain amount of money; but he could not help thinking that it was desirable to look the matter seriously in the face, and that, even at the last hour, it was better, both on sanitary and commercial grounds, to waste fifteen lakhs or even more, than to waste some crores in a gigantic scheme which was so uncertain in its results. The Government would now be in the position that they held the land, which would give them the means of erecting model bustis, or possibly letting the land acquired already in building leases. There were ever growing requirements for the Suburbs in that direction, and he did not think that the Government would lose in holding that land, nor did he consider the money already spent as altogether thrown way. He hoped the Government would not say that these men were wrong because they had not come earlier with their representations. There was every indulgence to be shown to them, and he had not the slightest doubt that the present discussion would open the eyes of the Government. The time might come when this dock scheme would go hand in hand with the growing prosperity of the Port, but the present time was a moment of great depression, and it was not a right time to come to a decision on so important a matter. He would point out that the conclusion of the memorial was supported by section 54 of the Committee's report, which dealt with the facilities which were afforded to the export trade and in which it was stated:—

"The extended accommodation now being provided at Howrah and the terminus of the East Indian Railway will, it is expected, do much to supply the immediate wants of the export trade, and it is hoped that, by the time the trade expands beyond this extra accommodation, the new docks will be ready for use. The Committee are fully sensible of the urgent need of affording the earliest possible relief to the export trade of the Port, and in this view they have carefully considered the advisability of erecting jetties or providing pontoons at a site below the Royal Botanical Gardens; but having regard to the extension of accommodation now being carried out by the Railway Company and to the further extension which can be carried out on the Port Commissioners' wharves at Howrah, between the Railway Company's premises and Shalimar, the Committee have not included in this report any recommendations in regard to the works proposed below the Botanical Gardens."

That is what he would urge on the Government in lieu of these stupendous proposals which had lately been sanctioned by the Government, but which had

not yet been sanctioned by this Council. He remembered that when Sir George Campbell was Lieutenant-Governor of Bengal, on one occasion when on tour, an ambitious district engineer submitted a plan for building a palatial archway to the district jail, Sir George Campbell is reported to have said in his well-known amiable manner—"Take it away, take it away; I won't look at it. We don't want palatial jails in India: we cannot afford the luxury," and so crushed the vaulting aspiration of the ambitious public works architect. Mr. Miller would at this present time urge upon this Council that Calcutta was not able to afford the luxury of such palatial docks; that their motto ought to be *festina lente;* that they ought to proceed with great caution so long as these times of depression last. He remembered reading a note by Mr. Keswick where he pointed out the facilities which exist for extending the system of jetties on both sides of the river. The advantage of jetties is that they can be extended in accordance with the ratio of the increase of trade of the Port. Whereas if they constructed large docks and the trade of the Port did not increase, it would be very difficult, almost impossible, to avoid increasing the port dues and so driving away the trade of Calcutta to the cheaper competing ports. He desired earnestly to warn this Council against granting the sanction of its authority to so perilous an experiment as that proposed, the more especially as the argument which relied upon "the consensus of official and non-official opinion" was manifestly utterly fallacious. They would be guilty of very great unwisdom, were they by passing this motion to legislate in direct opposition to the judgment and wishes of the very class whose interests the Government under a mistaken impression considered the passing of the measure would promote. For these reasons he would vote against the motion.

COLONEL THE HON. S. T. TREVOR said:—I fear I shall speak to considerable disadvantage after the eloquent speech which the Council have just heard from the Hon. Member who spoke last. I was very glad to hear the appreciative way in which the Hon. Member spoke of the single-minded care for the general interests of the community which had been bestowed on the consideration of this project by the Government of India and the Government of Bengal, as well as by the various public bodies, the Chamber of Commerce, the Port Commissioners, and the Trades' Association, who have been asked to consider it. There is no doubt that that is perfectly true. I don't suppose there has been a single project in the world which has received more consideration, and has caused more anxiety than this project of the Kidderpore Docks. On the other hand, the Hon. Member, when speaking of the memorial which has been the subject of so much discussion in this Council, spoke of it as representing the opinions of a very large and influential section of the mercantile community, and he has attached an importance to it, both in respect of the names attached to the memorial and the arguments used in it, with which I cannot myself agree. There is at least as large, if not a larger section of the mercantile community which has not signed this memorial; and the larger section which has not signed it has had this advantage that they have taken a greater interest in the subject than those who have signed it—that they have given greater consideration to the reports and papers which have been

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prepared and issued for their consideration—and after full consideration of those reports and papers they have come to the conclusion that the scheme is a good one which they can conscientiously support. I think the memorial has evidence in it that it is inspired by interested motives. I think it shows in some ways that there is a fear on the part of those who have signed it that their vested interests will be affected. But no doubt there is also evidence, in the names of some of the distinguished firms who have signed it, that there is a real anxiety on their part as to the financial results and effect of the docks when completed. Now I have not the smallest doubt that it is the present depression of trade which has created a despondency in the minds of a part of the mercantile community and prompted them to give utterance to their fears in this memorial. As to there being evidence that vested interests are concerned, the memorialists in the very first clause of their memorial say "your memorialists are largely engaged in the import and export of goods from this province, and as such are deeply interested in the charges of the Port of Calcutta." And in another place they say—"In the opinion of your memorialists what is wanted for Calcutta is a reduction in the charges of the Port, more than increased facilities for export." It seems to me that this shows that the prayer of the memorialists on this occasion is the same as it has been on similar occasions before. It amounts in fact to their saying—'By all means let the Port Commissioners reduce their charges; we all want that, but let our vested interests alone; we don't want these to be interfered with; we don't want any more facilities; they touch our interests and reduce our profits.'

I should be sorry to think, however, that this is the ruling view of this memorial. I believe it is inspired—perhaps mainly—by the anxiety which I have mentioned as being felt with regard to the financial effect which the docks may have on the Port. The memorialists, for instance, venture to point out that "the export trade of Calcutta has lately shown unmistakeable signs of falling off, and that what is required at present is not so much additional docks and jetties, as that the charges of the Port should be decreased to enable Calcutta to hold its own against Bombay and Sindh." They point with some sort of envy to the strides which the port of Bombay has made in its competition with Calcutta. If all the fears so eloquently described by the Hon. Member were true; if this large and gigantic scheme, which he spoke of as likely to cost 3½ crores of rupees, was really certain to have the effect of burdening the Port with such enormous charges, then, no doubt, notwithstanding all that has been done, we ought to refrain from authorizing the expenditure of so large a sum. But is that true? Bombay has already got its docks, while we are only beginning to think about ours, and it has its Port Trust debt, which in 1883 amounted to something like 384 lakhs. Last year I believe it was increased by another 83 lakhs, making a total of something like 467 lakhs. But so far from the Bombay docks having been financially a failure, they have been a success, and have greatly increased the facilities of the Port. The memorialists point to the fact that Bombay is taking away the trade of the Port of Calcutta. I venture to say that that is because it is not adhering to old traditions like Calcutta. It no longer sends cargo to ships in cargo boats; it no longer has to

contend against excessive handling charges for loading and unloading. The railways bring the goods to the docks, where there are proper appliances for the loading and unloading of both export and import cargo. That is why Bombay has advanced. The memorialists also think that the province of Sindh has been making rapid strides. I cannot say what the expenditure in Kurrachee has been. The work in the harbour has been done by Government hitherto, but I understand that the Government has made up its mind to establish a Port Trust in Kurrachee; and no doubt when established they will do as Bombay has done, and as I hope Calcutta will do.

The memorialists say in summing up that "the building of a dock at an enormous expense will be a great burden on the trade of Calcutta, because it has never been shown that a dock will be the means of either reducing charges or facilitating despatch. On the contrary, your memorialists confidently assert that the charges must be increased." I should have thought it is rather late in the history of civilization to begin to argue that docks are useless things; that they do no good; that now, in this nineteenth century, is the time to begin to consider the first principles of docks. It is known all over the world that they do reduce charges very materially. But suppose, for the sake of argument it is admitted that if facilities are provided by docks constructed at considerable expense by the Port Trust, some addition is made to the port charges to provide for interest on the outlay incurred in building such docks, how would these enhanced charges compare with the charges now borne by shipping business under existing arrangements. The whole cost of unshipping and shipping imports and exports does not at present consist of the port charges alone. A very large proportion of the cost is incurred in the crude and primitive methods now adopted in the moving, handling and storing of goods, and this is where vested interests are touched. These boating and shipping charges are precisely what must be reduced before Calcutta can compete on fair terms with Bombay. It is easy to estimate what the Port Trust will charge for the accommodation afforded and services rendered to shipping, because the accounts are published. But nobody knows what the charges are with which goods are burdened beyond, and outside the charges levied by the Port Trust. It is very difficult to estimate those, and nobody has yet succeeded in estimating them. When I was on the Diamond Harbour Docks Committee, Mr. G. Morrison, who was also a member, took up this question, and I remember being much struck with the ability with which he discussed not only this, but all other questions referred to the Committee. He took much trouble to make something in the nature of an estimate showing the amount of saving which would be affected by the construction of docks. In a note which is appended to the Committee's report, he goes at considerable length into the question, and I will venture to read to the Council an extract from his memorandum. He is actually writing about the Ship Canal Scheme which he advocated, but his remarks apply equally to the Dock Scheme, as the Council will see when I read them. He said:—

"It has been objected that the project, however otherwise good, must be set aside by reason of its cost. It does not so strike me. I have already advanced certain considerations to the contrary, and may here point out that, through all but a short section of the canal,

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ground could be amply acquired. Near Calcutta any surplus land taken up would be re-sold at an enormous profit. The docks would in fact be the chief centre of business-life, and land around them and on either side of the canal would be eagerly sought after for such purposes as Jute Presses, Factories, Warehouses, Offices, Coal-yards, Engineering-shops, Petroleum Stores, General Warehouses, Inland Steamer Wharves, Emigration Depots, Timber Yards, Graving Docks, &c., &c. I propose, however, to show that such an undertaking, even though more costly than can reasonably be anticipated, would still be remunerative, and this may probably best be done by attempting an estimate of the gross savings which would result to the shipping and to the mercantile public."

He then gives his estimate of savings, which I need not read in detail. Some of the items would now have to be struck out, but it is interesting to see the totals he arrived at. He calculated that the savings by vessels would amount to Rs. 37,10,750 and the savings by merchants on boat and cartage expenses to Rs 44,15,000 more, thus making a total saving of Rs. 81,25,750. Then he goes on to say—

"If now we imagine the cost of land, canal, docks, and warehouses to amount to the surely excessive sum of Rs. 350 lakhs, the account will stand thus—

	Rs.	Rs.
Interest on Rs. 350 lakhs at 4 per cent. ...	14,00,000	
Maintenance, conservancy and working staff, say	4,00,000	
Sinking fund, say	7,00,000	
Per annum ...	.....	25,00,000
Balance available, for lightening charges on shipping and on trade generally after providing for deficit (if any) in the accounts of the port trust, viz, deficit caused by a falling in receipts owing to transfer of business to the new docks	.....	56,25,750

I need scarcely say that this is the roughest of estimates, and that it may probably need correction on both sides of the account. There are figures necessary for nearer estimates which are not available to me. The savings of trade, have however, not knowingly been over stated."

I remember at the time we thought Mr. Morrison was over-estimating these savings. But I have since come to the conclusion that this was not the case. His estimate, both of the first cost and of the working expenses of the docks, comes very nearly to what the actual figures of the Port Commissioners' estimate of the Kidderpore Docks are. According to him, merchants will save on the present boating and carting charges more than double what they will have to pay the Port Commissioners for the facilities afforded by the docks. If these anticipations have any foundation, we should certainly not put a stop to the scheme at the point to which we have now reached, especially when we find that what is proposed here has been done elsewhere very successfully. It is true that in a despatch from the Secretary of State conveying the opinion of Mr. Rendell, which was read out at length by the Hon. Member, a note of warning was held

out, but that was on a point of engineering as to the nature of the soil and so on. But now that the soil at Kidderpore has been turned up, the illusion turns out to be on Mr. Rendell's side, in so far as he thought the soil would be the same as at Howrah. The soil at Kidderpore has been found to be very favourable so far, and there is every hope of the docks being carried out within the estimate. It was only in respect of the difficulties attending the scheme from an engineering point of view, and because the construction of docks was entirely new to this country, that Mr. Rendell considered it necessary to give that warning to the Government of India, and I may tell the Council that if any one question in connection with this scheme has received more consideration than another, it is the engineering question. All the engineering points connected with it have been thoroughly considered. But it would hardly be necessary, even if I had had notice of the different engineering points which were likely to be referred to, that I should discuss them in this Council: they are matters for discussion by the engineers concerned, and they have been very carefully and thoroughly discussed. It is only the general view as to the desirability of having docks that this Council ought to consider. As I have already urged, there is nothing new in the building of docks in India, as we have some in Bombay, and as to the cost, if the whole sum estimated is spent, the expense would be limited to about 320 lakhs; and even if we went up to 450 lakhs, we should still, having very nearly as large a trade as Bombay, be able to work the docks without loss and with infinite convenience to the trade of the Port.

The only other point on which the Hon. Member spoke at some length is the sanitary one. I confess it surprises me to hear of the fears which are expressed, from a sanitary point of view, as to the injurious effects of large excavations of this sort. Whenever earth has to be dug out in this way, it makes a great difference in the sanitary aspect of the case whether the earth is to be utilized for the filling up of unhealthy ponds or not. It was only a couple years ago that at the Shibpore Engineering College, opposite these very docks, and alongside the Botanical Gardens, where the ground is very low, it was proposed to improve the health of the place by digging a large ornamental lake. As soon as we began to do so, one doctor said that we should kill all the people in the place, so we thought the best thing to do was to refer the question to another doctor, and fortunately he held an opposite opinion. So we went on with the work, but not a single casualty occurred of any sort: the health of the place has been enormously improved, people are showing a desire to live there, and land in that locality is now being sought after. The area of the lakes I won't say is quite as large as the Kidderpore dock will be, but it is very large. Therefore, as far as the mere excavation of the earth for the docks, and the substitution of one large sheet of water, which would be partially renewed from time to time with fresh water, for an immense number of small and foul tanks is concerned, I am confident that the health of the locality will be vastly improved by the construction of the docks. There is, of course, the question of the sanitary arrangements of the shipping, but considering the immense volume of water the docks will hold I venture to say that no ill consequences will arise.

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I don't think there is any other point in regard to which I need take up the time of the Council. I can only say before sitting down that I had the opportunity, when the Diamond Harbour Docks Committee was sitting, of considering the whole of this question as to docks. I have since had the opportunity of considering all the reports subsequently received, and the conclusion I have come to is that it is high time that the docks were made. There is, no doubt, a depression of trade at this moment, and the mercantile community are in consequence a little despondent as to the future prospects of the Port. But I think there is really very little ground for despondency. The Government of India are spending 2½ millions sterling annually for the extension of railways, and that must do something to increase the trade of the Port. These railways must carry additional produce, and a part of that produce must come to Calcutta in addition to what comes in now. If not, they may as well stop all further expenditure on railways. As the Hon. Mover of the Bill has pointed out when quoting Lord Macaulay, one year may be a little worse and another a little better; changes must go on more or less in the rate of development, but that is no reason why we should stop all further expenditure on these docks. I was prepared before to vote in favour of the docks, and I am still prepared to do so: for nothing has been urged in this memorial which gives us the slightest reason to suppose that these docks will not be beneficial to the Port. It must be remembered that the interest on the expenditure has been guaranteed by the Government of India, and that means a great deal. It is not as if this was a purely mercantile transaction. The Government of India is at least as materially interested in the scheme as the memorialists. In their despatch to the Secretary of State, dated 30th October 1883, they said:—

"It may be admitted that the Imperial Government are very intimately concerned in the provision of suitable docks and other arrangements for facilitating exports. By next year the Eastern Bengal Railway will be in our hands The East Indian, the Calcutta and South-Eastern, and the Bengal Northern Railways are State lines. In the 'Bengal Central Railway' we are interested as guarantors. It may therefore be said that the whole railway communication on both sides of the river is practically our own, and that as owners of this property we are called on, in our own interest, to do something for the Port, as Railway Companies in England do. The docks are also likely, as pointed out in the Committee's 70th paragraph, to contribute to a more economical and effective control of the salt trade."

So that the Government of India being thus interested and having guaranteed the loans to be raised under the provisions of this Bill, they will be sure to do all they can to further the interests of the docks under all circumstances, and there cannot be the slightest fear on the part of the mercantile community on the ground that any further burden will be thrown on the trade of Calcutta.

The Hon. Kumar Baikanto Nath Dé said:— I cannot help expressing my sympathy with the remarks which have been made by my Hon. friend opposite (Mr. Miller). Doubtless the Government have fully enquired into the bearings of the proposed docks on the health and commerce of the metropolis, and are satisfied that there is no reasonable ground for apprehension; but the Council is not so favourably situated. The Hon. Members have before them

the memorials of the merchants, jute-bailers, mill-owners, and others expressing with some show of argument that there are grounds for such fears; but there is nothing before the Council to show that these fears are causeless. The reports of the experts who were consulted as to the expediency, feasibility, and sanitary effects of the docks have not been laid upon the table, and I, for one, cannot vote on the question intelligently and with the conviction that I am doing right without seeing them. For many many years the conviction among medical men in Calcutta has been strong, that the health of the town suffers most owing to the existence of a large sheet of stagnant water to the east—I mean the Salt-Water Lake—and various attempts have been made, hitherto ineffectually, to reclaim it, and it is not easy to understand how another large sheet of stagnant water, placed on the windward side, would prove healthful or even innocuous. This is an important question and should be maturely considered. The addition of heavy imposts on trade—a trade which, experts are of opinion, has now a downward tendency—is also a question of serious import. The apprehensions may be quite causeless, but they are there, and the only wise course for the Council, under the circumstances, would be, it appears to me, one of caution and deliberation. All the papers on the subject accessible to Government should be laid before the Council, and, if necessary, further enquiry should be made and experts consulted before any final resolution is adopted I make these remarks with diffidence, for the question involves matters on which only professional people can speak with confidence; but that is the very reason which most urges caution.

The Hon. Mr. Irving said:—I desire to make a few remarks in support of the Bill now before this Council. The Hon. Mover of the Bill, on moving for leave to introduce it, gave a short statement of the circumstances which had induced the Government to sanction the scheme, and when introducing the Bill he took up the financial question involved, and showed that there was no reasonable ground for supposing that the scheme would be other than a success, and that once the work was completed the docks would not only be self-supporting but remunerative, and that they would enable the Port Commissioners to lighten the burden upon trade. With these views I fully concur. It must not be overlooked, when appraising the present agitation against the docks, that the call for increased port accommodation was only a very short time ago most urgent, and that the matter was pressed on the attention of Government by the merchants and shippers of Calcutta, and by various railway authorities. To meet this crying want a Committee was appointed to consider the desirability of constructing docks at Diamond Harbour. That Committee, while unanimous as to the need of increased port accommodation, differed in regard to the proposed site. The majority were in favour of the scheme, but the mercantile members were unanimously against constructing docks so far away from Calcutta, and the whole of the mercantile and trading community supported them in this opinion. His Honor the Lieutenant-Governor therefore resolved that further enquiry should be made as to the best means of improving the Port, and with this object in view a strong Committee of merchants and Port Commissioners was appoint-

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ed. This Committee first met in April 1883, and finished their report in September of the same year, having met in all 23 times. A very careful and valuable report was unanimously adopted, and they recommended the construction of wet docks at Kidderpore, while they deprecated the further extension of jetty accommodation as not being suitable to the general trade of the Port. On this report being laid before the Port Commissioners, they also unanimously approved of the scheme therein proposed. An authority, on such questions, now a Member of this Council, when considering the Diamond Harbour scheme and the present accommodation, wrote as follows:—

"But if we are content to go on as we are, and merely expand existing arrangements, there can be no doubt that we shall never succeed in making Calcutta a cheaper port; and that is, perhaps, the thing most to be desired."

Regarding the notes of warning so prominently noticed by Mr. Miller, it was only to be expected that such warnings would be given by the gentlemen consulted. As advisers of Government on engineering questions, they were bound to point out possible dangers, and to recommend the utmost caution in prosecuting a work of this magnitude, but no one reading the reports can say that these warnings have been disregarded. On the contrary, they have received, and, I venture to say, will receive, the utmost attention from the officers engaged in carrying out this great work.

The Government of India in its despatch No. 57P.W. of 30th October 1883 points out that the total debt of the Calcutta Port Trust, after the docks are completed, would be 83 lakhs of rupees less than that of the Bombay Port Trust, and yet, notwithstanding a reduction in the port charges, the Bombay Port Trust are now in a position to borrow 83 lakhs more for a second dock. It is also stated in this despatch that the measure now proposed is "formally supported by an absolute consensus of official and non-official opinion, and has the entire approval of the local commercial public." And until quite recently no sign was made that this conclusion was not justified. My Hon. friend on the left (Mr. Miller) puts a very different construction on this to what I do. When that statement was made, and indeed until a few days ago, no other conclusion was possible than that this scheme was absolutely in accordance with the wishes of all concerned.

Hon. Members, however, have now before them a memorial to the Hon. the President and the Members of this Council praying for the appointment of another Committee to consider further the dock scheme, and that, pending the report of such Committee, the work now going on should be stopped. The memorial is signed by a number of influential firms, and therefore deserves every attention. When, however, it is borne in mind that all the signatories had an opportunity of fully stating their views at an earlier stage of the proceedings, and further that one of the signing firms had a representative on the Dock Committee, it takes away much of the weight that would otherwise attach to this memorial. The foot-note to the memorial is also, I think, most damaging to the views held by the memorialists, and leads one to infer that it is not impossible that this foot-note may represent the views of others who have signed the memorial. So far as I can judge, no fresh reasons are

brought forward in the memorial against the dock scheme, and many of the statements seem to me to be one-sided and made without sufficient inquiry, much against the scheme being taken for granted. The existing jetties, it is well known, do not afford sufficient accommodation to even the import trade, and obtain very little revenue from exports. It is admitted in the memorial that docks would doubtless offer considerable facilities to the export trade in wheat and oil-seeds, though only at an additional cost. The Dock Committee, with facts and figures before them, came to a directly contrary conclusion. At the present time, with trade in a singularly depressed condition, it may be possible to load ships by means of cargo boats at a lower charge than that proposed as a dock due. There is, on the other hand, no security that rates will remain at anything near the present level.

But if I am not misinformed, even now contracts are running for boat-hire at double the present rates. It must also be in the recollection of most Hon. Members that not very long ago Rs. 50 and Rs. 60 per diem had to be paid for boats, and that even as much as Rs. 120 per diem was demanded and paid during a time of pressure. With well arranged dock accommodation such extortion can never again be practised. It is a matter for regret that private interests must be interfered with in a scheme of this kind. Where, however, the general good of the Port is concerned such considerations must give way.

I notice that the memorialists ask for an impartial Committee to re-consider the whole subject. What is here meant by an impartial Committee I cannot make out. I do not think it possible to get in Calcutta a stronger or more impartial Committee than the one which has already examined this scheme.

I trust this Bill will be passed into law, and thereby set at rest the clamour against this useful work, and bring to a practical solution a question which has more or less agitated Calcutta for over 50 years, and give the much-needed accommodation and security to the shipping of this Port. Strange to say, a similar agitation was raised against the construction of the present jetties, which are now universally admitted to be a great success. That jetties have in the past greatly facilitated imports is without doubt, and it is now full time that the whole trade of the Port should have the utmost facility and security afforded to it. So far as I can judge, the proposed docks will give the security and facilities needed, while they will not increase the ordinary charges on shipping. On looking into the history of various dock works, I find that in nearly every case vested interests opposed them with great bitterness, and succeeded in retarding their construction for long periods. On this point I will, with your permission, read one or two short extracts from McCulloch's Commercial Dictionary at page 498, Article: 'Docks on the Thames.' He says:—

"It is singular that, notwithstanding the obvious utility of wet docks and the past trade of the metropolis, there was no establishment of this sort on the north side of the Thames till nearly a century after a wet dock had been constructed at Liverpool. The inconvenience arising from the crowded state of the river at the periods when fleets of merchantmen were accustomed to arrive, the insufficient accommodation afforded by the legal quays and sufferance wharves, the necessity under which many ships were placed of unloading in the river into lighters, and the insecurity and loss of property thence arising, had long been felt as intolerable grievances, but so powerful was the opposition to any change made by the

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private wharfingers and others interested in the then existing order of things, that it was not till 1795 that a plan was projected for making wet docks on anything like an adequate scale for the port of London, and six years more elapsed before the Act for the construction of the West India Docks was passed."

And at page 529 the following regarding the docks at Liverpool:—

"The rapid rise of the port of Liverpool to its present consequence, though no doubt principally owing, like that of the town itself, to the astonishing increase of manufactures and population in the extensive district of which it is the grand emporium, is also in part owing to the facilities that have been given to navigation and commerce by the construction of its wet and dry docks."

Regarding the excessive cost of the proposed works commented upon by the Hon. Mr. Miller, quoting from Mr. Rendell, I will now read Mr. Bruce's reply thereto:—

"With reference to Mr. Rendell's observations regarding the cost of the dock walls, I append a statement showing the cost of some dock walls, from which it will be seen that in every instance the actual cost of these walls is greatly in excess of the rates quoted by Mr. Rendell. The estimated cost of the walls in Prince's Docks, Bombay, was Rs. 363 per lineal foot, as compared with Rs. 425, my estimate for the walls in the docks at Kidderpore; and considering the favourable conditions under which the walls of Prince's Dock were constructed, the estimated cost of the Kidderpore dock walls does not compare unfavourably with those in Bombay. The rate for rubble masonry, of which the Bombay dock walls are constructed, was taken at Rs 23 per 100 cubic feet, against Rs. 36 for the brick work on the Kidderpore dock walls. If the rates for the work in Bombay had been the same as those which obtain here, the estimated cost of the Bombay dock walls would have been Rs. 423-12 per lineal foot instead of Rs. 363, and if the same work could be done here at the same rates as those which obtain in Bombay, the cost of the Kidderpore dock walls would be reduced from Rs. 425-4 to Rs. 327-4 per lineal foot."

I would say, in conclusion, that I give this measure my full support. I am also in a position to say that a strong majority of the Committee of the Association to which I have the honour to belong fully agree with me in this matter, and entirely approve of the dock scheme.

THE HON. MR. MACDONNELL said:—I had not intended to offer any observations on this question, but certain remarks have fallen from Hon. Members which suggest to me the desirability of making a few observations. In the first place then, I desire to say that the memorialists are to be congratulated upon the advocate they have secured to present their case to this Council. Everything which could be said in favour of the memorial has been urged with much force by the Hon. Member on the right (Mr. Miller), but, listening as I did, with a certain amount of sympathy for his argument, I was still forced to think that no fresh arguments had been brought before the Council to induce it to deviate from the grounds indicated by the Bill. I am free to confess that I myself did at one time feel a considerable amount of hesitation and doubt as to the propriety of constructing docks at Kidderpore. Having regard to the very shifting nature of the river Hooghly, and to the uncertainty which from time to time surrounds its channels, not only below Calcutta, but above it, I may say that I did look with much doubt and hesitation upon the proposal to build docks at Kidderpore. And I am not at all prepared to say that that doubt and hesitation is altogether removed from my mind; so that if the

proposals of the memorialists had been directed, not against the financial success or the sanitary bearings of the undertaking, but had been directed against the possible dangers which might accrue from a change in the course of the river Hooghly or its affluents, I am not prepared to say that they would not have received my sympathy. But their arguments have been directed, not in that way, but against the financial aspects of the scheme. Now, so far as I have been able to consider the question—and, as far as my opportunities have permitted, I have considered it very carefully—I do not think there is any valid argument against the probable financial success of the scheme, even if the trade of Calcutta does not develop beyond its present dimensions. That the docks will result in a financial success and in a large augmentation of the trade in the Port, and in great facilities for the export and import trade, there cannot in my opinion be any doubt. I am free to admit that the memorial is signed by some very influential firms, and, although we may not agree with the arguments contained in it, yet they deserve from us our careful consideration. I may think with my Hon. friend on the left (Mr. Reynolds) that the stagnation which at present prevails in the trade of this Port is only transitory and it may well be that this depression in the trade of Calcutta has a great deal to do with the feeling of despondency which is apparent between the lines of the memorial. That feeling under present circumstances is very natural; and it is a feeling which deserves tender treatment at our hands. Still I think that, if the memorialists had regard to the statistics of trade in Calcutta, they might be able, even from a cursory examination of these statistics, to derive a certain amount of comfort and solace. Those statistics now before us show that in the quinquennial period ending in 1865 the gross tonnage of vessels coming to Calcutta was 997,756 tons. While in the quinquennial period ending in 1876 the tonnage had diminished to 757,208 tons. That is not a solitary instance of that ebb and flow of trade to which my Hon. friend on the right has referred; but if in 1876 people had been despondent their despondency was but short-lived. Matters soon mended, for we find that in the next quinquennial period the trade reached by a bound to 1,280,000 tons, and in the next to 1,415,000 tons. Then follows a yearly increase to 1,579,000 tons, 18,908,000 and 18,902,000, and the last figures returned are 18,384,000 tons and 19,977,000 tons. Therefore, having regard to the trade of Calcutta over a series of years, we find in the figures that evidence of growing trade and increasing prosperity which we might expect from the fact that the country is advancing in enlightenment, and that railway and other communications are bringing in contact with the ports of the country those tracts which have hitherto been unexploited. It therefore seems to me that the memorialists fail to make out their case that there is anything in the present stagnation of trade which is otherwise than of a transient character? I have stated that I myself would have supported a proposal for enquiry if it had been otherwise directed. I do think and always have thought, that docks are necessary provisions for the increasing trade of this city, but I have also been impressed by the conviction that the proper site for the docks is not Kidderpore, but Diamond Harbour.

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The more I look into the papers which have been laid before us and the more carefully I review the discussions on the question, the more am I satisfied on this point. But I presume that the question of docks at Diamond Harbour is no longer a question of practical politics, and, therefore, I do not propose to enter into any consideration of that scheme. So far as I understand the position, the Government of Bengal itself was at one time in favour of Diamond Harbour, and only departed from its predilection in favour of that site in order to accommodate itself to the wishes of the commercial community of Calcutta. Therefore, if there be any argument to be brought in opposition to the Kidderpore dock scheme, it is strange that it should come from any section of the commercial community of Calcutta. It will not be denied, even by the Hon. Member on my right, that among the commercial public of Calcutta the memorialists are in a minority, and that the number of the firms interested in the trade of this Port who are in favour of the Kidderpore Dock scheme largely outnumbers those who have attached their signatures to the memorial. We are, therefore, in the position of having a scheme accepted by the preponderance of opinion among the commercial community of Calcutta, and by the Government as being in accordance with the wishes of that community, which, however, is objected to at the last moment by a comparatively small number of important firms It does seem to me that, before we can attach any such degree of responsibility to the representations of the objectors as should make us now, at the eleventh hour, halt in our path and re-open the whole question, that representation should come before us backed by a far greater weight and influence than attaches to this memorial which is now before the Committee. It was, I think, incumbent on these memorialists to have gone to the various firms who support the scheme, and by their arguments to have endeavoured to bring them round to an acceptance of their own views. The plan adopted of coming before the Council at this stage, with a memorial expressing no new views nor stating any arguments which had not been stated before, unless indeed references to the present state of trade be excepted, is not I think the manner in which the memorialists ought to have gone to work. It is not to be forgotten that a stoppage or a postponement of the Bill at this stage involves serious inconvenience. I certainly feel a great amount of sympathy for those whose private interests may be affected by the scheme now before the Council, and I don't think that the fact of the memorial having possibly been promoted by private interests, is any reason why we should not afford to it the most careful and fullest consideration; still as the Hon. Mr. Irving has said, private interests in such a matter as this must give way to public convenience, and on this substantial ground I do not think there is anything before the Council which should make it halt in the path on which it has entered.

THE HON. THE ACTING ADVOCATE-GENERAL said:—I will not detain the Council at any great length at this stage. I feel, however, constrained to oppose this motion, and I will endeavour to put before the Council the position as it seems to me from the point of view, not of the memorialists, not of the Committee, but of

Members of this Council. This Bill was brought forward, and we were informed that there was really no occasion for us to take into our consideration the merits of the Bill in any respect whatsoever, because competent authorities had unanimously pronounced that the docks ought to be constructed, and ought to be constructed upon this plan, and ought to be constructed at Kidderpore. All that having been fully decided, and fully decided by authorities to which we were bound to bow, and to which I did bow and do bow with the greatest respect, we were asked to undertake the necessary legislation for the purpose of carrying out a scheme which had been approved of on all hands. We were not at that time even furnished with the materials which are now before some of us. We were not, when this Bill was brought into the Council, invited to take into consideration, nor did we take into consideration, the policy or propriety of the scheme on which the Bill was founded. Then what is our position? I will speak for myself. I am not an engineer like my Hon. friend, Colonel Trevor. I am not a Port Commissioner like my Hon friend Mr. Reynolds and my Hon. friend Mr. Irving: nor have I spent my days, as my Hon. friend Mr MacDonnell says that he has done, in studying this question. I come here with no ideas at all on the subject, with no means of judging on the subject, bound to bow to authority, and prepared to bow to authority. Now, let us see in what position we are placed at present, and whether Hon. Members can—those at any rate who have no special means of judging on this point—conscientiously either vote for or against this Bill. I submit that they cannot, that they can form no opinion upon it as it stands, except in so far as my Hon. friend, Mr. Miller, pointed out various *prima facie* and apparent grounds of objection which would occur to the uninstructed mind. This is what we should have been told had we been invited to look into the subject; but, as I have said, we were not invited to look into the subject at all. We were asked to allow the Bill to be introduced, and we did allow it to be introduced, on the faith of the statement that there was absolute unanimity on the subject, not merely a year and-a-half ago, but up to the present time. It now turns out that that statement, although it was made in perfect good faith, is quite incorrect. It is perfectly true that there was in 1883 no dissent, except so far as Mr. Steel pointed out that the Port was capable of accommodating double the amount of trade that it did at that time. Mr. Keswick says there was no dissentient voice. There was a dissentient voice, so far as Mr Steel was concerned, but whether there was or was not that is not the position from which we have now to proceed. Not having considered, at the time of the introduction of the Bill, whether there was in fact that unanimity of opinion, it is our bounden duty, I submit, to consider that now before we proceed further with the Bill. This is the first opportunity we have had of considering that point. Had we been invited to consider that question, we should have found in the recommendation of the Commission this statement:—"1st, that the accommodation for the trade of the port requires immediate extension both for imports and for exports, but especially for exports." At the time this Bill was introduced into the Council that had ceased to be correct. Immediate extension of the accommodation for exports was not required at that

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time, as we, who are not acquainted with this matter, have since learned. "2nd, that the present accommodation provides practically only for vessels bringing general cargoes, and for a very small portion of the export cargo taken by such vessels." As I gather from the discussion that has taken place, that is not now proposed to be remedied. Therefore, we should have had in the report of the Commission put prominently forward as our principal motive the necessity for making immediate provision for exports. We know that exports have fallen off very much. If we looked to the despatch of the Government of India to the Secretary of State, the one dated the 30th October 1883, we should have found in the 19th paragraph the following:—"In conclusion, we would observe that the pressing need of improved facilities for the increasing trade of Calcutta cannot be too strongly insisted upon. The trade is rapidly expanding, and there is probably no public work on this side of India at the present time which can be said to be as important as the Calcutta Port Improvements." And then the Government proceeds to refer to the trade in wheat, which is the very trade which has so markedly fallen off, and they say:—"The general concentration of business will be a welcome relief to those concerned with trade and shipping. The measure now proposed is formally supported by an absolute consensus of official and non-official opinion, and has the entire approval of the local commercial public." Then, in the despatch of the 6th March 1884, the Government again say that "the insufficiency of the existing accommodation has for some time been evident, and the rapid growth which has of late years taken place in the trade of the Port has fully established the necessity for early measures being taken." These statements, on the materials on which they were made, were perfectly correct, but at the time the Bill was introduced into this Council they had ceased to be so, although we were not aware of the fact. Now the memorialists have come forward to inform us of this fact. The burden, I take it, if I may use a legal expression, of satisfying the Council that this Bill should be passed, lies upon those who introduced it. They have to satisfy the Council, and the Council is in duty bound to be satisfied, that this scheme will be for the benefit of the community of Calcutta, and, if such considerations are applicable, for the benefit of the entire community of India. Those who introduce this Bill have to satisfy us with respect to that. I submit that it is quite a mistake to say that the onus lies upon these memorialists to establish their proposition, and I submit that if they had the onus upon them they have amply discharged it, because the proposition laid down to us was that the commercial community were unanimous, and the memorialists have, by coming forward, proved that they are not unanimous, but that they are divided. And when we look into the matter, we see that the division does not end there. There was division among the engineers: even in this Council there is division; Mr. MacDonnell still wants the docks to be at Diamond Harbour. So far from there being at the present moment any unanimity, there appears to be division on every point, except on the one point, as vouched for by the medical men, that those docks will be, as we are informed, like the sewers of Calcutta, places that you may live in with comfort and pleasure. That is the only point upon

which there does not appear to have been any division amongst the experts, but that is because only one expert was consulted as far as we know.

The Government of India say that the measure now proposed is formally supported by the absolute consensus of official and non-official opinion. The memorialists have established the fact that it is not so. I am told that they form the minority. I do not know how that is. It is invidious to refer to the importance of the names; but I was certainly under the impression that Ralli Brothers were the largest exporting firm in this city, and that those other firms whose names appear here constitute amongst them the bulk of the exporting firms of this city. It appears I am mistaken; but if the argument used by the Hon. Member opposite (Colonel Trevor) is to be accepted, the weight of representation on both sides has disappeared. He says that the memorialists have come forward to oppose the Bill because their interests are concerned. By parity of reasoning those who have come forward to support it have come forward because their interests are concerned, and therefore we unfortunate officials, unprofessional, unscientific and non-official Members of Council are left to grope in the dark without any satisfactory authority to which we can bow. But one thing is obvious, that the Bill is not supported by an absolute consensus; that it will not be to these memorialists a welcome relief if the business of the Port should be concentrated in these docks. In fact, it is one of the things that is hinted at as an interference with their vested rights, that, the docks being at Kidderpore, their warehouses would have to be transferred to that locality—a very material thing for them to consider. That being the case, from my point of view the ground for further enquiry is irresistible. What is the position with regard to those Hon. Members who are situated like myself? They are told to bow to authority. They are most anxious to bow to authority. The question is—which authority? The authority of the mercantile community which supports this measure, or the authority of the other mercantile community which opposes it? Even if they are asked to bow to the authority of the engineers, the best thing they can do is take refuge in and bow to the authority of that distinguished Member of this Council, himself an engineer; otherwise they will find themselves in hopeless difficulty, because they have Mr. Bruce on the one side and Mr. Rendell on the other; and in fact we bow from side to side. That is not, I submit, the way to come to a conclusion. Therefore, as we are necessarily bound to guide ourselves by authority, it is absolutely essential either that the authority should be unanimous, or that we should have the means of comparing the value of the two authorities, which we have not at present. I suppose this motion is quite independent of any of the merits of the Bill itself. The merits of the Bill itself ought, I submit, to be a matter of further consideration. We ought not to be called upon now to discuss with the Hon. Member opposite (Colonel Trevor)—if any one should be found so rash and presumptuous as to do so—the question whether the land at Kidderpore is composed of stable clay, or whether it will turn out to be quicksand and swallow up the docks as on the Howrah side, or to discuss with the medical men the question whether the putting of locks upon the water-closets on board will be shutting the real stable door; but above all—and this is the most important

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question of all, and the authorities on it are divided—I venture to submit that we must and ought to have further guidance on the engineering question, upon which, as my Hon. friend Mr. Miller has pointed out, the Secretary of State expresses the gravest misgivings, and I for one do not feel myself in a position to come to any conclusion at all on the matter as it stands.

I will now just briefly glance at some of the arguments in favour of the Bill. As Hon. Members will have gathered, I contend that we are not called upon to give any opinion on the merits of this particular scheme. I will refer to one or two points in regard to the details of the measure. My Hon. friend, Colonel Trevor, takes the high and *à priori* ground that docks are in the abstract good. Bombay has got docks, some other place has got docks; therefore Calcutta must have docks. But I take it that the real question is whether the docks are in the right place. My Hon. friend referred to the history of civilisation in support of this proposition. I do not intend to go into those questions. I desire to limit myself to the plain and humble and practical question whether docks in Calcutta are desirable. Then my Hon. friend says Bombay has prospered by reason of its docks. If that is so, and if Calcutta is in the same situation, then that is a very strong argument in favour of constructing the docks. But that is not the ground upon which the Bill was recommended to us; the ground was that it is a necessary development of history that we should have docks in imitation of other places, whose prosperity may either be the cause or the effect of their having docks; we are not at present informed which, except that we have the authority of my Hon. friend for saying that it is the cause and not the effect. But the ground upon which it was put was that they are immediately required. Now, it is obvious that trade having fallen off to the extent it has, they are not immediately required. No doubt we are asked to say that in the not very distant future they will be required, but that is a ground upon which this measure was not originally framed. It was the ground of immediate pressing necessity. That ground has disappeared, but it appears from the support apparently accorded to this motion that, though there is no present necessity for the erection of these docks, no time should be wasted in passing this Bill. Although the matter has been going on for many years, and many years must elapse before it is completed, yet a month or two of delay, in order to satisfy the minds of members, we are told, would be absolutely fatal. I submit that is not so, and that the ground upon which the Committee desire that this work should be taken in hand at once has completely failed. There is nothing before the Council at present to make us believe that the trade of this Port will continue steadily to increase. We are all agreed that there is a considerable amount of despondency. The memorialists are met with chiding and rebuke for feeling that despondency. But these are the people who have an interest in the matter. Then we are told that trade ebbs and flows. That is one of those propositions which I think might be employed in almost any discussion; but as regards the present discussion, it seems to me to be peculiarly inapplicable. If our trade is like the tide to ebb and flow, then I am afraid we do not see any great ground for the immediate and

permanent increase of it which is anticipated. We want something more than the fluctuation of a tide. It seems to me, therefore, that that argument does not advance the matter.

Leaving these abstract considerations, we come down first to the question of pounds, shillings and pence, and secondly to the question of sanitary effect. Now I object to be called upon to decide the question of the eminent success of this undertaking. I find that one authority says that the most sanguine view of it in the present state of things is a balance of a lakh and a half of surplus. Any one who has had the slightest experience in these matters must know perfectly well that a surplus is always a dissolving view, and therefore if it does not dissolve away entirely it always is very much reduced, and when you have only a poor lakh and a half, what security have you on the figures presented to us that this will be a financial success? But it is said that it is to be for the benefit of those very persons who are protesting against it. They say they don't consider that it will be a financial success. They say they can get cargo boats to land their goods for 8 or 10 annas as compared with the rupee that the new docks will charge them. But then they are told that under this system of cargo boats the owners run up their prices in times of pressure. The consideration is entirely omitted that they equally run them down in times that are not times of pressure. Here you have merely the result of competition as against a fixed rate. Whereas, instead of it, you will have a fixed rate which does not rise in times of pressure, or fall in times of depression. That is not a self-adjusting machinery, which the present is. Therefore, I submit, there is nothing in that argument. I was somewhat surprised to hear the suggestion that this memorial was in any way influenced by the petty interest of the owners of cargo boats. Surely the names which are attached to it are amply sufficient to satisfy the Council that this is the opinion of the memorialists, and not something which is said at the suggestion of a small interest, which that of cargo boat owners is as compared with the interest of these persons. But my Hon. friend Colonel Trevor says that, inasmuch as the memorialists are interested in the question, they ought not to be listened to. He says there is running through the memorial a care for their own interests on the part of the memorialists. That objection might well be taken if this scheme were devised for the benefit of a Public other than the Public to which the memorialists belong. It is the very essence of a memorial like this that it should be based on self-interest. It is the interests of the memorialists that we want to discover, and they say that the scheme will not be a financial success by showing that the charges, although higher than at present, will be insufficient in all probability to meet the greater charge incurred. They show that it will not benefit them, because they will be charged more than they are charged now. They do not agree with the view of the Hon. Member that Bombay owes its prosperity to the construction of its docks; they entertain the view that it was probably the prosperity of Bombay which led to the construction of its docks, and that is not an argument which should be used to show that the depression of Calcutta should lead to the construction of docks. There is no need whatever to disparage the impartiality

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of the Port Commission, nor do I understand that the memorialists do so; and as to this surplus of a lakh and-a-half, no notice has been taken of the fact that there will be a loss on the jetties which will very likely more than counterbalance this surplus. With regard to the prospects of trade, I do not know whether we are expected, on the information we have as to the state of trade in 1883, to form an opinion as to what are the prospects of trade in 1885. That is apparently what we are asked to do. What we have to be satisfied of is that trade will improve up to the mark which will render these docks a financial success? How are we to be satisfied about that? All the evidence we have now is all one way, and that is the evidence of these memorialists, who say they do not want these docks. Then there is the question of sanitary arrangements. As to them I do not propose to say much, very little is sufficient. There is a charming prospect held out in that 32nd paragraph of the Commissioners' report which my learned friend quoted "Conservancy boats will be maintained, &c., and with these arrangements strictly carried out all will go well." Of course, we see how very strictly those arrangements are carried out in the streets of Calcutta, and from that we may imagine how strictly they will be carried out in these docks.

Then it is said that the work cannot be stopped at this stage. What stage are we in? We recognise in the Bill that unfortunately the Secretary of State having sanctioned this expenditure, the Commissioners have thought fit to enter upon the scheme before they obtained legal powers to do so. But I think that we cannot allow ourselves to be influenced by that. Otherwise, instead of exercising our own judgment as to whether this scheme is a proper one or not, our hand would be forced by the action taken by the Government. The Government have acted, of course, in perfect good faith, and under the impression that the entire community were with them. I quite sympathise with their position, and more especially with the position of His Honor the Lieutenant-Governor; because no doubt had these representations been made at the beginning further action might have been stopped, but this Council, I think, cannot take into consideration that some things have been done. We cannot proceed with something which we are not satisfied is for the benefit of the community on the ground that we have done something towards doing what is not for the benefit of the community, and I do not think that anybody has a right to reproach these gentlemen for not having come forward earlier, because they were entitled to assume that, so long as the Commissioners had not the power to construct docks, they could and would do nothing. And the Commissioners certainly cannot take advantage, so to speak, of their own wrong, and say that because they have acted without authority, this Council is bound to give them that authority. We owe a duty to the Public and not to the Port Commissioners, and the Port Commissioners cannot force the hands of the Council. My Hon. friend also alluded to the fact that a member of one of the firms who signed this memorial was a member of the Commission, and that he used as an argument against the memorial. It may be an argument against that individual member, but cannot be used as an argument against the memorial. I submit that we ought to be in the same position now as if this Bill were being introduced: as if

nothing had been done, as if no money had been expended, and as if we were being asked, with a large section of the mercantile community opposed to it, to force upon this community the construction of these docks.

The Hon. Mr. Reynolds said:—I have a few remarks to make in reply to what has been said by Hon. Members. I am not sure that I quite understood the Hon. and learned Acting Advocate-General to imply that the question had not been originally put fully and fairly before the Council. I understood him to say that when the Bill was introduced the circumstances were not properly explained, and that facts which might have been placed before Hon. Members were not put before them as they should have been.

[The Hon. the Acting Advocate-General.—I said that it would not appear necessary to any one dealing with the subject at the time. But the fact is that they were not placed before the Council].

The Hon. Mr. Reynolds continued:—I was not aware when I asked for leave for the introduction of the Bill that there was not a consensus of opinion on the part of the mercantile community, and I certainly had no intention of keeping back anything which I ought to have laid before the Council. I think the assumption which seemed to underlie the speech of the learned Acting Advocate-General is that the memorial we have before us is a representation of the voice of the mercantile community of Calcutta. I have admitted all along that the memorial is numerously and very influentially signed, and that it deserves the careful attention of the Council, but I have never admitted that it can be taken as representing the voice of the merchants of Calcutta. The voice of the mercantile and trading classes of Calcutta, is to be recognized in the utterances of the Chamber of Commerce and the Trades' Association who represent the great majority of those classes, and they have expressed themselves in favour of the construction of these docks; so that authority, as far as it goes, is not on the side of the memorialists. Then the Hon. and Learned Member quoted the opinion of Mr. Steel against this project. The opinion referred to is that in which Mr. Steel said—"While expressing a decided preference for docks at Calcutta rather than at Diamond Harbour, I am of opinion that both schemes are premature, and that means exist for providing for the accommodation of trade by improving the Port of Calcutta itself;". and I understood that opinion to be quoted by the hon. and learned gentleman as an opinion adverse to the opinion of the Kidderpore Docks Committee. But it should be borne in mind that that was an opinion offered on the report of the Diamond Harbour Docks Committee, and before the Committee of 1883 had been appointed at all. It would be quite a mistake to use that opinion as an argument that Mr. Steel was opposed to the report of the Kidderpore Docks Committee, for when after that report was prepared the Port Commissioners established a permanent Dock Committee to deal with all questions connected with the construction of the Kidderpore Docks, Mr. Steel was a member of that Committee up to the time of his leaving the country, he attended a number of its meeting and signed its reports, and I believe he was entirely in favour of the dock scheme. No doubt, when the report of the Committee of 1883 was drawn up, and for some time afterwards, it was

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considered that there was immediate necessity for extended accommodation for the export trade of the Port. Whether there is the same necessity for taking immediate action now for such extension is a matter which I desire to submit for the consideration of the Council; I do not deny the statement in the memorial that there is a depreciation of trade at present, but I do not wish that fact to have more weight attached to it than it deserves.

With regard to the rival claims of cargo boats and docks, the argument is that the rates of hire for the use of cargo boats fluctuate, whereas for the use of the dock a fixed rate is proposed; and it is urged that if cargo boats are dear when business is brisk, those who use them have the compensating advantage of low charges when trade is dull. But if the figures are looked into, I think it will be found that this argument is misleading. Mr. Keswick said that as long as business was slack and rates were low, people may get business done at the rates stated in the memorial, but directly business increases the rates go up. I have heard of cases in which the charge for a cargo boat of 25 tons has been as high as Rs. 120. All that the memorial proves is that the lowest rate for cargo-boats is somewhat below the fixed rate proposed for the docks: it does not show that cargo boats, on an average, do the work more cheaply than the docks will do it.

With reference to what fell from the other Hon. Member (Mr. Miller), I admit the truth of a good deal of what he said, and I am quite prepared to allow that an important question of this kind ought to be taken up with great caution. If the question of constructing docks had now been raised for the first time, I think that probably a few far-sighted members of the commercial public would have said—"We are passing through a time of depression of trade, but it will not last long: let us prepare for the revival, which will inevitably come." That is what far-sighted men would have said; but I quite admit that if this question were now mooted for the first time, this dock scheme would not command the general chorus of approval with which the report of the Committee of 1883 was received. But is this a sufficient reason for retracing the steps we have taken? It may be true that the present time is in some respects not altogether favourable to the construction of a large work like this, but there are compensating conditions, as the depression of trade will have the result of enabling us to make arrangements for machinery at a cheaper rate, and to obtain the necessary labour at less expense, and consequently there is every prospect of a considerable saving on the estimates. The Hon. Member referred to a paragraph in the opinion of Mr. Rendell, in which he says the scheme should be started on the smallest scale, and with no illusions as to the character of the soil, and that borings generally make the soil appear better than it really is. The Hon. Member laid great stress on that, and said that the results which might be obtained ought not to be relied upon. What I referred to in my speech was not the experimental borings; the work has now progressed a great way beyond the stage of experimental borings. In paragraph 33 of the Committee's report they said—"In some places it might be possible to get in the dock walls dry, but in others it would not; and in estimating the cost it has therefore been considered advisable to assume

that the locks and quay walls throughout will have to be constructed on wells. If wells are not found necessary, there will be a considerable saving: but in estimating, it is best to allow for the maximum expenditure which may have to be incurred." That passage shows that the estimates were framed on the cautious principle of allowing for the highest expenditure which might be incurred under the most unfavourable conditions. But the result of the work, so far as it has been carried on, shows that at a depth of 33 feet there is dry clay, and that the south wall at any rate can be built without the necessity of laying down any wells, thus making a considerable saving on the estimates.

Then with regard to the sanitary question, I confess that it has not been prominently dealt with in the recent reports, simply because it seemed to be sufficiently disposed of by the opinions which we had before us. Two good authorities, Dr. Chevers and Dr. Macnamara, were both satisfied that the proposed docks could not possibly be a source of sanitary danger to Calcutta. We are now told that we ought not to be satisfied with those opinions, but should have taken the opinion of medical men on the spot. I don't see how, if we had taken the opinions (let us say) of the Sanitary Commissioner of Bengal and the Health Officer of the Corporation, they would have been able to have given us anything more than the general opinion given by Dr. Chevers and Dr. Macnamara. When the docks are constructed it will then be the duty of the sanitary authorities to say what special measures are necessary to prevent any sanitary danger. And I say, as I said before, that there is no reason to suppose that the docks will be more insanitary than the present condition of the site on which it is intended to construct them.

I don't know that I need take up the time of the Council with any further details, but I would ask Hon. Members, who oppose the Bill, to consider how far their objections justify their voting against the motion before the Council. The question before us is that the report of the Select Committee be taken into consideration. Are Hon. Members prepared to hold that they have made out a case for saying that it is not expedient to take that report into consideration? The Bill is nothing more than a permissive measure; it willl merely give legal sanction for the construction of docks, and if any further enquiries are necessary, the Bill will not affect that part of the question. In any matter of this kind there must somewhere be finality, there must be some time when the decision shall not be disturbed. I think there is reason to say, even under the present circumstances of trade, and admitting the force of much of what has been urged in the memorial, that the Council would not be justified in determining that it is *not* expedient to construct these docks. I believe the docks are a necessity of trade, and with the expansion of traffic from the increase of railway communications and the material progress of the country, we ought to have the power of dealing with the traffic in the way which the docks will afford us, and if we neglect the opportunity and suspend action simply on the ground of the depression in trade, the very gentlemen who have signed this memorial will a few months hence very possibly be the first to blame us for not having taken the necessary precautions at this time, after all the warnings which have been given us to make proper provision for the increased trade of the Port.

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HIS HONOR THE PRESIDENT said:—I do not know that I can add very much, if at all, to the force of the words of those who, I think, are in the right in supporting the motion to take this Bill into consideration. It is very little use going over the past history of this docks controversy, beyond pointing out that it has been the subject of enquiry by two Special Committees, and the subject of correspondence for four years or more between the Government of Bengal, the Government of India and the Secretary of State, and what I would lay most stress upon is, that all that has passed up to within a few days ago has been with the concurrence, and I had always understood with the unanimous acceptance, of those who represent the mercantile community of Calcutta. The fact is that we here as an Executive Government are simply carrying out the wishes of those who represent the trade and commerce of this large city; and in proposing to place the work in the hands of the Port Commissioners, we are placing it in the hands of a body who from their past labours for the improvement of the Port have deserved well of the Public, and than whom there can be no other constituted body who by their knowledge or experience or strong interest in all that concerns their charge would do fuller justice to a work of this magnitude. Having arrived at this point without, I may say, the least word or murmur of disapproval from any quarter, we are confronted by an opposition led by the Hon. Mr. Miller, speaking in the interests of a large body of memorialists, and supported by the very forcible speech of my Hon. and learned friend the Acting Advocate-General. I am glad to find that they admit that there is no want of good faith on the part of Government. They recognise that, when we took up the work and when the Hon. gentleman, the Chairman of the Port Commissioners, made his speech, introducing the Bill, he was acting in perfect good faith, and in the belief that he was speaking for the merchants and mercantile community of Calcutta. Since then, however, they allege, a very important change has come over the views of that body; public opinion has changed; and public opinion in this matter having changed proves that all the Government of Bengal has done, and all that the Government of India has done, supported even though it was by the mercantile community, is wrong, and therefore that we are bound to retrace our steps, stop the works, and not give any power to the Port Commissioners to raise money for the construction of the docks. Now I do not question the right of the Hon. Member to raise this question, or of the Acting Advocate-General to support it, because the right to do so arises on the wording of the Bill; and if they can persuade this Council not to give the Port Commissioners power to raise money, the question falls to the ground—perhaps not entirely falls to the ground, because, even if this Council did not give the money, I suppose Government might find means to give it in some other way. Still it would be a great delay to a work which has been already considered and deliberated on for many years, and it would be a very serious hindrance to what, I may still be permitted to think, the large majority of the Public consider to be desirable. I should never have thought, unless I had heard it from my Hon. friend the Acting Advocate-

General, that in the present position of the case the burden of proving the desirability of carrying out the work lay upon those who have hitherto advocated and proved its necessity. If there is to be any suspension of the enterprise now, the burden of proving the necessity of such a course rests, I should say, upon those who, having hitherto been silent, have by their silence given consent to the undertaking, and who having their representatives on the Chamber of Commerce, have allowed us to go on for four or five years, discussing the question backwards and forwards, and raised no kind of opposition to our proceedings. The memorialists are in that position. These gentlemen, not at the eleventh hour, but, as I might say, under the new nomenclature, at the twenty-third hour, now come forward and say :—"You must stop all that you have been doing because we do not agree with you, and consider that there is great risk in going on with this business." I do not think that anything that has been brought forward by my two Hon. Friends by way of opposition, or any thing which is alleged in the memorial, shows sufficient grounds to the Council for justifying the refusal of that assistance which the Port Commissioners require. They referred to some isolated passages in the reports and correspondence which has been going on between the authorities here and at home as against the undertaking. I do not think you could conceive any large work, take for instance a permanent new bridge over the Hooghly, on which, wherever you brought two of your engineers together there would not be differences of opinion as to the exact plan of construction, its width, the number of piers and so on, although all might be agreed that the necessity for a bridge in such a place existed, and that is very much what has happened in this case. There have been occasional differences of opinion here and there of men who have had to consider a scheme of very large magnitude, but still the outcome of all their inquiries and labours has been the approval of the scheme now before us. The learned Acting Advocate-General said that this Council was placed in an awkward position; that though a great deal had been done outside its walls, Hon. Members were not in a position to decide upon this question in view of the fact that all the papers connected with it had not been placed before them. There is no fault on the part of the Bengal Government in relation to that matter, and I cannot help observing that all the earlier papers have been published, at least they were sent to the newspapers, two years ago. All the later papers too have been sent to the Port Commissioners, and authority has been given to them to publish them. That they have not been published before is owing, I believe, to the fact that no one has until now thought it necessary to throw any doubt on the advisability of those docks. The real point of the opposition, it seems to me, lies in what the learned Acting Advocate-General laid chief stress upon, namely, that the facts now are not the same as the facts upon which the Committee of the Chamber of Commerce and the Port Commissioners originally based their views. To some extent this may be true, and though I have no right to speak with any great authority on the point, all that I can gather from those who have a right to speak is that the present extreme depression in trade, which is made the ground of the present opposition, is a purely temporary and transient

His Honor the President.

thing, and that neither history nor experience supports the conclusion that it is likely to last. Of course you may say, even if it is temporary, it is wise to hold your hands until you see the results of the next few months, or the next year. The answer I should give to that would be that the passing of this Bill does not prevent the delay which you require, if delay is really necessary. The passing of this Bill, which is only an enabling Bill, puts the Port Commissioners in the way of raising money for carrying out these docks. Should they never choose to raise a rupee, the Bill would be inoperative; and then, if there is any reality in the contention that these docks are not wanted, the fact would be established by those who are in favour of inaction in the presence of those who represent the merchants, the shipping interests, and the trade interests of Calcutta, and if the case of the memorialists is as strong as it is represented to be, their influence could be brought to bear upon those who represent them in such affairs, which would in turn operate on Government, and the work, if it is one of danger and risk, would be stopped. But I do not at present see that there is any ground for our delaying our proceedings in Council and hesitating to pass this Bill. For myself I should certainly advocate the going on with the thing earnestly. The theory in my mind is what Colonel Trevor very forcibly expressed. The introduction of railways all over the country is bringing in produce from all parts of the country. If Calcutta does not choose or is unable to receive this produce into her port the trade will go to other ports. If Calcutta chooses to neglect its opportunities, I think it would suffer. I do not think the risks are what you fear. I think the risks are on the other hand in your neglecting to take advantage of the opportunity which is before you. The maxim, *festina lente*, which Mr. Miller quoted, is a very good one; but I am afraid that in Indian proceedings we are much more apt to be on the side of *lente* than on the side of *festina*. At least I know no country in the world where, when you have threshed out a measure and brought it to a point of completeness after exhaustive enquiries, serious attention would be given to considerations for doing nothing at all. I shall certainly support the motion.

The question that the Report of the Select Committee be taken into consideration in order to the settlement of the clauses of the Bill having been put, the Council divided:

Ayes.	*Noes.*
Hon. Mr. Irving.	
Hon. Moulvie Abdul Jubbar.	
Hon. Mr. Garrett.	Hon. Joy Prokash Lall.
Colonel the Hon. S. T. Trevor.	Hon. Kumar Baikanto Nath Dé.
Hon. Mr. MacDonnell.	Hon. Mr. Miller.
Hon. Mr. Macaulay.	Hon. the Acting Advocate-General.
Hon. Mr. Reynolds.	
His Honor the President.	

The motion was therefore carried.

LOCAL SELF-GOVERNMENT.

The Hon. Mr. Macaulay presented the further report of the Select Committee on the Bill to extend the system of Local Self-Government in Bengal.

REGULATION OF FERRIES.

The HON. MR. MACAULAY moved for leave to bring in a Bill to regulate Ferries in Bengal. He said:—The law applicable to ferries in Bengal at present is found in Regulation VI of 1819 and Bengal Act I of 1866. It is only by a series of expedients, more or less ingenious, that we have been able so long to work under an enactment which gravely warned Collectors of districts to desist from any interference in the management of ferries, and which vested the exclusive power of making rules to regulate their maintenance, not in the Government, but in the Magistrates and Joint-Magistrates. In 1879 the Bengal Government endeavoured to introduce some uniformity of practice by framing a model set of rules and form of *kabuliyat*, and proposing their general adoption by Magistrates. These rules have worked in a fairly satisfactory manner, but they have the disadvantage of not possessing the force of law, so that no punitory process could be adopted to enforce their observance. Circumstances have, however, now arisen which render the further postponement of legislation absolutely impossible. The existing law vests in the Magistrate the exclusive power not only of making rules and regulating tolls, but also of appointing persons to take charge of public ferries. The Council is aware that it is intended to entrust the management of most ferries to Municipalities and District Boards, and it is proposed that this should be done, not by temporary expedients, but under formal legislative sanction. If permission is given to introduce the Bill, the opportunity will be taken to remove various defects in the law which have led to difficulty and delay, and sometimes even to failure, in the realization of the public revenues.

The motion was put and agreed to.

The Council was adjourned to Saturday, the 14th instant.

Saturday, 14*th March* 1885.

Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, K.C.S.I., *President.*
The HON. A. PHILLIPS, *Acting Advocate-General.*
The HON. H. J. REYNOLDS.
The HON. C. P. L. MACAULAY.
COLONEL the HON. S. T. TREVOR, R.E.
The HON. A. P. MACDONNELL.
The HON. A. B. MILLER.
The HON. C. B. GARRETT.
The HON. MOULVIE ABDUL JUBBAR.
The HON. KUMAR BAIKANTO NATH DÉ.
The HON. RAI JOY PROKASH LALL BAHADOOR.
The HON. G. IRVING.

KIDDERPORE DOCKS.

THE HON. MR. REYNOLDS moved that the clauses of the Bill to enable the Commissioners of the Port of Calcutta to construct Docks be considered for settlement in the form recommended by the Select Committee. He said—Most

The Hon. Mr. Macaulay.

of the alterations which the Select Committee have made are merely of a verbal or unimportant character. The alteration made in section 3 has been explained in the report of the Committee. It simply restricts the wording of the Bill to the meaning which it was all along intended to bear, and similarly the alterations which have been made in sections 4, 6 and 9 are practically little more than verbal alterations. I think there are only two sections to which I need draw the attention of the Council, namely sections 5 and 14. Section 5 originally declared that the loan should be repayable in such manner as the Government might direct. But the Select Committee had to take into consideration the fact that the estimates had all along been framed on the assumption that the loan would be raised at 4½ per cent., without including any provision for a sinking fund or for the re-payment of the principal. It is of course desirable that there should be provision for the re-payment of the loans. If a loan were raised at 4½ per cent., and afterwards circumstances altered so that money could be raised with equal facility at 3½ or 4 per cent., it is undesirable that the Port should be saddled with the perpetual payment of interest at 4½ per cent. I should have been glad to have worded the Bill in such a manner as to give the Port Commissioners power to pay off any loan when they found it advisable and convenient to do so, but on communicating with the Government of India on the matter, we ascertained that the Government laid very decided stress on the necessity of reserving to the Government the power to declare that the loan should be repaid when such re-payment might appear advisable and when the funds of the Port are in a position to bear the charge. The letter of the Government of India has, I think, been circulated to Hon. Members as a paper connected with the Bill. If it has not been circulated, perhaps the Council will allow me to read a passage of it, which is as follows :—

"The Government of India is of opinion that the desired end will be most conveniently attained by power being given to the Government to call on the Commissioners at some future period to establish a sinking fund, from which any loan contracted for the purpose of the docks may be liquidated, and the Bill should be so framed that, without making payment actually compulsory, power will be left to Government to order re-payment of any loan when, in the opinion of the Government of India, the Port is in a position to bear the cost of re-payment.

The Governor-General in Council is anxious to leave the Port Commissioners every freedom of action consistent with provision for the possible eventual re-payment of the loans that may be raised for the construction of the docks, and the Bill should provide for the formation of a sinking fund for each loan separately, so that the Port may not have to bear the burden at any one time of providing for the redemption of the total sum expended on the docks. His Excellency in Council is also willing that it should be specially provided that the power of directing the formation of a sinking fund shall not be exercised for at least ten years after each loan is raised, and that the period for the sinking fund shall not be less than 30 years. The arrangement for possible re-payment which is now proposed will no doubt bring the Commissioners under the control of Government to some extent in this matter, but the amount of control reserved for Government is not more than may fairly be claimed in consideration of the guarantee given by it in connection with the loan for the construction of the docks. The guarantee of the interest on the loan by Government will, on the other hand, act as a safeguard against any possible attempt, in connection with the sinking funds, to place a heavier burden on the Port than it could bear, since the result of

doing so would be to throw on Government the burden of finding the current interest on the loans."

This being the decision of the Government of India, it would have been useless to frame the Bill in a shape in which it would not receive the Governor-General's assent; and I think also that the Council will recognize the equity of the remark that the control reserved by the Government of India is not unreasonable in consideration of the guarantee which the Government gives in connection with the loan. Accordingly, the wording of the section as it now stands provides that the Secretary of State, at any time not less than ten years after a loan has been raised under section 4, may declare by notification in the *Calcutta Gazette* that the principal of such loan shall be repaid on a date to be specified in the notification, not being less than thirty years from the first publication of the notification, and may require the Commissioners to make such arrangements as shall provide to his satisfaction for such re-payment.

The only other section to which I need call attention is section 14, which has been introduced while the Bill was in Committee, and which gives to the Commissioners an indemnity for the action taken by them before the commencement of the Act. The Hon. the Acting Advocate-General said (I think, perhaps, rather harshly), when we discussed this Bill on the last occasion, that the Port Commissioners were seeking to take advantage of their own wrong; but I would remind the Hon. and learned Member that a provision of this kind is not an unusual one, and I think it is not unreasonable, when the Port Commissioners have acted in good faith, and under the sanction of the Government, that acts done by them in the expectation of legislative sanction being given should be validated when the Act authorizing the construction of the docks is passed.

The Hon. the Acting Advocate-General said:—I only desire to explain that in the remark I made at the last meeting of the Council I made no reference to the indemnity clause of the Bill. My remark was directed solely to the endeavour to satisfy the Council that further time ought to have been granted before the Bill was proceeded with, not because the Port Commissioners in anticipation of these powers have acted on the footing of the Bill being passed, and had made themselves liable for a certain sum which the Government had advanced, with a claim for interest, which would follow as a matter of course if the Bill were rejected, but solely with reference to the position in which this Council is placed by having the Bill submitted to it in the way in which it has been done. I did not intend to suggest that the Port Commissioners had done anything wrong in the view which the Government took in regard to these docks. Still less do I suggest that they are not entitled to an indemnity, which would follow as a matter of course. I think my remark must have been somewhat misapprehended by my Hon. friend.

The motion was put and agreed to.

The Hon. Mr. Reynolds said that no alteration in the clauses of the Bill having been put forward or suggested, I now move that the Bill be passed.

The motion was put and agreed to.

The Bill was passed accordingly.

The Hon. Mr. Reynolds.

LOCAL SELF-GOVERNMENT.

The HON. MR. MACAULAY moved that the further report of the Select Committee on the Bill to extend the system of Local Self-Government in Bengal be taken into consideration in order to the settlement of the clauses of the Bill. He said:—In making this proposal to the Council it is fortunately unnecessary that I should enter upon any discussion of the principles of the measure. These principles were fully discussed two Sessions ago, when I asked for leave to introduce the Bill They were again considered and discussed when I introduced the Bill and moved that it be referred to a Select Committee, and they were indirectly discussed on very many occasions last Session in the course of our deliberations on the kindred measure for the administration of Municipalities. I take it that this Council has formally and cordially accepted the policy of extending the system of Local Self-Government in these Provinces, and of placing that system, so far as may be consistent with full administrative efficiency, on a basis of popular representation. All, therefore, that I have now to do is to explain briefly to the Council the principal alterations which the Select Committee have made in the Bill which we presented with our preliminary report at the close of last Session. I think, Sir, that, however much we at one time regretted that circumstances which I then detailed to the Council had necessitated a postponement of this measure, we must now see that this postponement has been accompanied by very great and substantial advantages In the first place, we have received a most valuable mass of opinions from various sources, official and non-official, and these are opinions not formed on the spur of the moment or influenced by temporary excitement or enthusiasm, but formed calmly and deliberately, after full and dispassionate consideration. And with reference to these opinions, I may at once say that, though a very few have reported that the Bill goes too far, and a larger number, including most of the public associations consulted, have declared that it does not go far enough, still on the whole the Bill has been favourably received. To these criticisms, as I shall presently show, we have given the most careful attention, and we have to a great extent been able to act upon them. In the second place, we are no longer dealing wholly with an experiment; but in proceeding with this measure we are able to claim that we are proceeding in the light of recent and most instructive experience. The results of the municipal elections under the new Act have more than justified the anticipations which were expressed by the supporters of the measure in this Chamber. Several district officers have informed me that, even in outlying Municipalities, the intelligence and interest displayed by the electors, and the order and public spirit which characterized the proceedings, were very remarkable and very gratifying. The experience of the elections has made it clear that the spread of education and of ideas, the development of communications, and the example of a wise and beneficient rule, have evoked aspirations for a share in the management of local affairs which may be made a most valuable auxiliary to the administration, and which, now that we are assured of their existence, it should be our pleasure, as it is certainly our duty, to gratify. Now, being brought face to face with these

criticisms and these facts, and having before us the words of the Secretary of State, which I shall just now quote, it seemed to us that we could do something to enlarge the scope of the Bill, and to assimilate some of its provisions to those of the Municipal Act. The Secretary of State, in his despatch of the 8th October 1883, after suggesting that the establishment of District Boards, presided over, at all events in the first instance, in most cases by the District Magistrate, as a substitute for the Central Board, which he had negatived, said :—" It appears to me that if the plan which I have sketched out were adopted, the Government would be able, with due regard to the public interest, to leave even more in the hands of the local bodies than it could do with safety when trusting only to the supervision of the Magistrate, acting apart and without the advantage of constant intercourse with the members of the District Committee." Now, Sir, the policy here indicated is that of securing efficient direction while enlarging the scope of local authority. In this direction the amended Bill contained the necessary provision in accordance with the Secretary of State's views, and the Lieutenant-Governor was given power to decide in every case whether he will appoint the Chairman of a District Board or call upon the Board to nominate one of its members as Chairman. This provision we have of course maintained. So much for direction. There was another point, however, which we had to consider before we could recommend a general extension of the franchise in rural tracts, and that was the question of funds. The mainstay of the funds available for local expenditure must of course be the road cess. Now, no one who has any knowledge of the subject will say that the present rate of road cess could be lowered in any district in Bengal for a generation to come without grave detriment to the public interests. No native gentleman of experience will say so, and no officer of Government will say so. I will go further and say that, having had the honour of holding the appointment of Financial Secretary to this Government for five years, I can appeal to the constant application for special grants from districts situated in every part of the province to show that the funds now available for the improvement and maintenance of communications are insufficient. But in any general system of election for local bodies in rural tracts the main body of the electors must be the payers of road cess—persons, that is, who are not only interested in the proper expenditure of the funds to which they contributed, but interested also in the reduction of the amount which they contribute. We had therefore no alternative to choose from. We had to decide whether we should give an unfettered power of altering the rate of road cess and maintain a system of appointment for the constitution of local bodies, or make the power of alteration subject to the Lieutenant-Governor's sanction, and admit all road cess-payers above a certain minimum in the most advanced districts to the privilege of electing representatives. We have decided to adopt the latter course, and I maintain that we have decided rightly. Having thus secured the two essentials of direction where necessary, and funds, we considered ourselves justified in drawing up a Schedule of 17 districts in which the measure would, as regards, at

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any rate, the constitution of local bodies, be applied in its entirety; that is to say that a Local Board would be established in every sub-division of these districts, and that two-thirds of the members of every Local Board would be elected by qualified residents. I will not now go into the details of the qualifications we have laid down. Our idea has been to secure local knowledge and substantial local interest, and we think that a raiyat who pays Rs. 64 a year of rent has a substantial local interest. I am aware that my Hon. friend Mr. MacDonnell, who during his distinguished career as a district officer always gave every encouragement to local bodies, is inclined to think that the rates we have proposed should be raised. For myself, I shall have no objection to consider such a proposal when we come to settle the terms of the section. Our object is to interest the most intelligent of the people in the administration of local affairs, and the Council will remember that the qualification to be adopted will be only maxima, which may, at any time, be lowered by the Lieutenant-Governor under the rules, as he has already lowered the rates fixed as maxima under the Municipal Act. The provisions, Sir, regarding the rate of road cess and the constitution of Local Boards, with the provision which I must mention in regard to the institution of District Boards, namely that Local Boards may appoint any person who, though not actually a member of their own body, is qualified to be a member, to represent them on the District Boards: these are the most important of the changes that we have made. Other changes we have made, all in the direction of improving the efficiency or the liberality of the measure; but as they are referred to in the report, and as they will presently be considered in detail, I need not now detain the Council by enumerating or discussing them. On the whole, I maintain that the Bill which we now submit for consideration is a sound and workable measure; that it contains ample safeguards for the protection of the public interests, and that at the same time it is calculated to excite a practical interest among the people in the management of their own affairs, to develop self-help and self-reliance, and to promote the establishment of voluntary and intelligent agencies to assist in an important branch of the administration.

The Hon. Kumar Baikanto Nath De said:—I have much pleasure in bearing my humble testimony to the great improvements which have been effected in the form and arrangement of the Bill by the Select Committee. The Bill is simpler and more handy now than what it was when it was first drafted, and in some respects more power has been conceded to the people than what was originally contemplated. I am sorry to add, however, that I consider the omission on the part of the Committee to recommend the re-publication of the Bill as unfortunate. The Bill has undergone very material alterations; the whole power of legislating on the details of the works proposed has been relegated from the Council to the Lieutenant-Governor, and principles have been enunciated which demand the most mature deliberation of the people as well as of the Government. But this opportunity has not been given, and I feel that the time has not arrived for passing the Bill at once. Lord Ripon in some of his orders strongly recommended that no opportunity should be lost to take the people into confidence, to give them full opportunity,

by early and extensive publication, to lay before Government their views, wishes, opinions, and sentiments; but this is not being done on the present occasion. No question of local politics so much enlisted the sympathy of the people in favour of Lord Ripon as the Self-Government scheme. Meetings were held in almost every part of Bengal to give expression to the sense of gratitude of the masses on the generous concessions proposed to be given, and it strikes me that in legislating on that subject the Council is not carrying out the generous and liberal principles of the nobleman who has just retired from the helm of the State. It is not my wish, nor would it be proper for me, to enter into the details of the Bill on the present occasion. I am of opinion that the Bill should be re-published, and to bring that about I intend to withhold my assent to the motion now before the Council. A fortnight, I think, would suffice for the people of Bengal to submit their representations, and that time should be given, and I think it may be safely given without causing any inconvenience.

The Hon. Joy Prokash Lall said:—The people of Bengal and Behar have hailed with feelings of satisfaction and gratitude the proposal of the Government of India to extend to the people of the country the privilege of Local Self-Government. The noble resolution of the Government of India filled their hearts with the hope that the honourable aspirations of the people will at last find vent in the political institutions which have contributed so much to the advancement of civilization and good government in Europe. Your Honor took up the project with much sympathy, and the Mofussil Municipal Act passed last year by this Council was the first instalment of the good will Your Honor bears towards the people. The Bill now before the Council is the second instalment, and it is very desirable that it shall be passed with every despatch consistent with due care and deliberation. In almost all the other provinces of the Empire the Local Self-Government Act has already been brought into operation, and no time should be lost to effect improvements in the Provinces under Your Honor's administration; but I cannot help thinking that the measure is very important, and should receive the fullest consideration from this Council. The Bill seems to me to fall short of the object of the Government of India, as disclosed in its minutes of 30th September and 10th October 1881, and of the legitimate aspirations of the people. It is to a great extent permissive, and it is difficult to say what latitude Your Honor's Government will give to the operation of the principles enunciated by the Government of India. The title of the Bill is a misnomer. The Government hands over for administration to local bodies certain departments which it has created, with responsibilities and funds. The Local Boards' Act of the North-West Provinces seems to have a more suitable title. There is nothing in this Bill to give it a greater claim to so pretentious a name than many other measures that have been from time to time passed by the Legislature, each making an advance on that which preceded it. It appears to me that the system proposed by the Bill will not meet the general desire of the people. A large number of opinions elicited consider it too narrow, and it will excite expectations which may not be fulfilled. From the administrative

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point of view it is no improvement, as it scarcely relieves the Executive of any portion of its labours. Then, Sir, there seems another difficulty in the way. The Rent Law that has just been passed will keep the people who could spare time for such services busily engaged for years to come in adjusting their altered condition, and the change of feeling which has come up of late makes me fear that, unless the measure is made very attractive, it may be viewed with indifference by the people, upon whose hearty co-operation the success of the measure greatly depends. However, it is desirable that the Public should be allowed an opportunity to express their opinion on the subject. I would therefore propose that the consideration of the Bill be deferred for a fortnight, and the amended Bill be in the meantime published in the local official Gazette.

The HON. MR. MACDONNELL asked whether the re-publication of the measure did not mean its publication in the vernacular gazettes, and if in that case it meant the postponement of the Bill for another year—a step which he thought undesirable.

HIS HONOR the PRESIDENT said:—I am quite prepared to meet the wishes of the Hon. Members for a short postponement, but I am unable to concur in the postponement of the Bill for an indefinite time.

The HON. MR. MACAULAY said:—As my Hon. friends have not submitted any amendment, I shall ask that the motion in my name be put to the Council. I desire, however, first to offer a few observations upon the remarks which have fallen from my Hon. friend, Joy Prokash Lall. My Hon. friend has objected to the title of the Bill as pretentious. Well, Sir, I am aware that the Commissioner of Patna, in his report upon the Bill, has suggested that the title of the North-West Act, which is the Local Boards' Act, would be more appropriate; but we have this difficulty in adopting such a suggestion, that in Bengal we have District Boards above our Local Boards. I may mention, moreover, that the system under which cognate matters are administered in England is controlled by a body denominated the "Local Government Board." The word Local-Government has really come to have almost a technical meaning. I am not in the least desirous, however, of giving too pretentious a name to our measure, and if, when we come to consider the section containing the title, the Hon. Member will suggest a more appropriate name, I shall be happy to consider his suggestion. The Hon. Member has also said that the measure is too narrow, and that a large number of opinions have condemned it as such. Now, Sir, in the remarks which I had the honour of addressing to the Council a few minutes ago, I endeavoured to make it clear that we had carefully considered the many criticisms which have been received, and that we had made a good many alterations for the express purpose of meeting them. One would suppose from the Hon Member's remarks that we were dealing with the Bill which was the subject of these criticisms. If he will be good enough to read the Bill which is now before the Council, he will see that we are dealing with a very different matter. The Hon. Member went on to say that people will now be so much engaged with matters arising out of the Rent Bill, and with looking after their own affairs, that they will not take much interest in this measure unless we make the position of members of Local Boards more attractive. I

confess that I do not clearly apprehend what it is that the Hon. Member wishes to propose. But this I can say, that if the Hon. gentleman will make some definite suggestion for making the position of members of Local Boards so attractive that they will give up considering matters arising out of the Rent Bill and looking after their own affairs in order to become members of Local Boards, I am sure that his suggestion will be carefully considered by the Council. I now move that the proposal that the report be taken into consideration be put to the Council.

His Honor the President said:—Before putting the motion to the Council, I desire to express what I feel on the subject of postponement—a point which has been raised by two Hon. Native Members. I should be the last person in the world to force forward unduly a measure of this magnitude and importance. It has received considerable attention, both in principle and detail. Indeed, one Hon. Member implied a charge against us that, while all the other Provincial Governments in India had their Local Self-Government Bills, the Government of Bengal was the only one which had not yet got one of its own. I wish to say that this Government is not in the same position as the Local Government of any of the other Provinces. We have to deal with a much larger area, a much larger population, and a much larger number of districts. Not only so, but we have to consider the circumstances of provinces like Orissa and Behar, with all their variety of interests and populations of all classes. Therefore, there is a reasonable ground that a measure like this should take a longer time to mature than a similar Bill for any of the other Provinces of India. But that is not the real cause of delay. The real cause of delay has arisen from the long correspondence which passed on the subject between the Local Government, the Government of India, and the Secretary of State, and it was not till a late period that any decision was come to which enabled us to take up the work and carry it forward for the purpose of legislation. If there is to be any further delay, it will arise from the issue which the two Hon. Members now raise; they consider that time should be given for a full consideration of the measure by further publicity. If that publication is to be of the character of a general re-consideration of the measure all over the country, it must be by the translation and publication of the Bill in the vernacular, which will take at least three or four months. If the translation and publication and the collecting of opinions on the re-publication of the Bill is to take three or four months, you may be certain that we shall either have to call a special meeting of the Council in July next, to which I myself shall not be averse, or to postpone the further consideration of the measure to the next cold season. If Hon. Members wish for either of these courses, I shall not oppose their wishes, but then they must accept the responsibility and not charge the Government with a delay which is of their own seeking. If, however, they will be satisfied with a shorter postponement for the receipt of outside opinion on the re-publication of the Bill which has already been made in the *Calcutta Gazette*, I am quite willing to consent to that arrangement by taking the report of the Select Committee into consideration this day

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fortnight, and I hope that by that time Hon. Members will be ready with their proposals in the form of amendments or otherwise. I am quite willing to ask the Council to let the consideration of this measure be postponed for a fortnight, with the understanding that we intend to pass the Bill on that occasion.

The motion was then put and agreed to, and the consideration of the clauses of the Bill was postponed for a fortnight.

The Council was adjourned to Saturday, the 21st instant.

Saturday, 21st March 1885.

Present:

The Hon. H. J. Reynolds, *Presiding.*
The Hon. C. P. L. Macaulay.
Colonel the Hon S. T Trevor, R.E.
The Hon. C. B. Garrett.
The Hon. Moulvie Abdul Jubbar
The Hon. Kumar Baikanto Nath De.
The Hon. G. Irving.

REGULATION OF FERRIES.

The Hon. Mr. Macaulay introduced the Bill to regulate Ferries in Bengal, and moved that it be read in Council. He said:—The object of this measure, as I explained to the Council when I moved for leave to introduce the Bill, is to fix and define the functions of the Government and of the local officers respectively in regard to the regulation and management of ferries, and to empower the Government at any time to make over the management of any public ferry to a local body. The Bill is mainly drafted on the lines of the North-Western Provinces Ferries Act, and some months ago, in anticipation of the meeting of the Council, it was circulated for the opinions of local officers. Those opinions have now been received and will be considered by the Select Committee. Meanwhile, I have not thought it necessary to make any alterations, other than alterations of mere arrangement, in the Bill as it has been circulated.

The motion was put and agreed to.

The Bill was read accordingly.

The Hon. Mr. Macaulay also moved that the Bill be referred to a Select Committee consisting of the Hon. Mr. Reynolds, Colonel the Hon. S. T. Trevor, the Hon. Mr. Garrett, the Hon. Kumar Baikanto Nath De, the Hon. Moulvie Abdul Jubbar, and the Mover with instructions to report thereon in a week.

The motion was put and agreed to.

The Council was adjourned to Saturday, the 28th instant.

Saturday, 28*th March* 1885.

Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, K.C.S.I., *President.*
The HON. G. C. PAUL, C.I.E., *Advocate-General.*
The HON. H. J. REYNOLDS.
The HON. C. P. L. MACAULAY.
COLONEL the HON. S. T. TREVOR, R.E.
The HON. A. P. MACDONNELL.
The HON. C. B. GARRETT.
The HON. MOULVIE ABDUL JUBBAR.
The HON. KUMAR BAIKANTO NATH DÉ.
The HON. RAI JOY PROKASH LALL BAHADOOR.
The HON. G. IRVING.

NEW MEMBER.

The HON. G. C. PAUL, Advocate-General, took his seat as a Member of the Council.

REGULATION OF FERRIES.

The HON. MR. MACAULAY presented the Report of the Select Committee on the Bill to regulate Ferries in Bengal, and gave notice that he would at the next meeting of the Council move that the Report be taken into consideration in order to the settlement of the clauses of the Bill.

LOCAL SELF-GOVERNMENT.

The HON. MR MACAULAY moved that the clauses of the Bill to extend the system of Local Self-Government in Bengal be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

The HON. JOY PROKASH LALL moved to substitute the word "Boards" for the word "Self-Government" in line 3 of section 1. He observed that, as he had said on the last occasion, the title of the Bill appeared to be a misnomer, and the Hon. Member in charge of the Bill was good enough to say that he would take this point into consideration. It seemed to him that "Bengal Local Boards Act of 1885" would be a suitable title, and would stand side by side with the Bengal Municipal Act of 1884, one working in the town and the other in the mofussil, and discharging almost the same functions. In the North-Western Provinces they had District Boards as well as Local Boards, and yet the Act was designated the "Local Boards Act." He hoped that this measure would ultimately lead to the revival of the old punchayet system which prevailed in early times.

The HON. MR. MACAULAY had nothing to say with reference to this motion, beyond that the fact that the North-Western Provinces having a Bill, which provided for the establishment of both Local Boards and District Boards,

proceeded to call it the "Local Boards Act" did not seem to him to be a sufficient reason for changing the title of this Bill. In this Bill the District Board was the unit on which the Bill proceeded; the question of Local Boards below the District Board was a subsidiary question. There might be districts in which there would be District Boards without any Local Boards, and therefore the title proposed would be a misnomer. He thought that the title of the Bill was the best available under the circumstances, although he himself was not wholly satisfied with it.

The motion was put and negatived.

The HON. JOY PROKASH LALL, by leave of the Council, moved the following amendments in sections 3 and 6 together:—

Insert the words "or Local Board" after the words "District Board" in line 8 of the first paragraph of section 3.

Section 6.—In line 1, substitute "may" for "shall."
In line 3, substitute "any" for "every."
In line 4, substitute "shall" for "may."
In line 5, substitute "every" for "any."
Omit the proviso of this section.

These amendments, he said, were based on the consideration that the Local Board should be the unit of administration and not mere agents of the District Boards. From his experience as a member of a District Road Cess Committee and of Branch Committees, he saw that too much money and energy were spent to meet the wants of the people of the sudder station, or head-quarters of a district, while the wants of the inhabitants of the interior of the district were neglected. At or around the sudder station there would be found good metalled roads, but in rural villages there was hardly a road so to speak of, and in the rainy season the roads in some villages simply became impassable, though it was the agricultural population who chiefly paid the Road Cess. The time had surely come when the Government should look to the wants of the agricultural population; they required better roads for transporting the products of their lands to the chief marts of the country. The wants of the towns or sudder stations might well be left to the Municipalities to attend to; it was the wants of the rural population that deserved greater attention of the Government officials. He thought that instead of centralizing all the executive work in the hands of the District Board, it would be better if it were distributed among Local or Sub-Divisional Boards all over the district. In almost every sub-division there would be found many intelligent persons on or near the spot who would be only too glad to undertake the work, and by establishing such "Local Boards" the scheme would be rendered a success. There would be a fair distribution of work, while the local wants would be more sympathetically attended to than they could be by the District Board. The greater the area of action, the greater the prospect of utilizing the services of gentlemen possessed of local knowledge; what was wanted was that the funds at the disposal of the District Committee Boards, as in the Bill, should be spent by Local Boards and Union Committees. Let the District Board be the centre for supervision, control, and advice, and

for doing such business as the Local Boards could not do, such as making railways, tramways, steam communications, or joining in Joint Committees with other districts. The original Bill was framed in a more liberal spirit, but the present Bill was too narrow and had been generally condemned as such; any one who had studied rural life would find that there was a vast difference between the mode of living and thought of the town and village people. So if the whole administration was placed in the hands of the District Board, the scheme would, he feared, fail.

The HON. MR. MACAULAY said he did not propose to follow the Hon. Member in all the remarks he had made, but he would merely point out that if the Council adopted the words of the amendment, the Bill would have to be re-constructed afresh, and there had been enough in the way of re-construction of this Bill already, and he did not think anything had been said which would induce the Council to allow any more. It had been decided that it should be left to the District Board to determine and appoint the establishments to be employed under it, and that included establishments under Local Boards; Local Boards not being corporate bodies. In the same way, the duties and powers of Local Boards had not been detailed, as they were made the agents only of the District Board. But under the amendment it would be necessary to define separately the duties and powers, first of Unions, then of Local Boards, and then of District Boards.

The motion for the amendment of section 3 was put and negatived, and the motions for the amendment of section 6 were, by leave, withdrawn.

COLONEL the HON. S. T. TREVOR moved that in section 3, after the proviso of this section, the following further proviso be inserted:—

"Provided, further, that if such office shall be abolished or a new appointment made in respect thereof, compensation pension or gratuity shall be paid from the District Fund to any person not being a servant of the Government who may be deprived of such office, and the amount of such pension or gratuity shall be calculated in accordance with any rules made under the provisions of section 138 of the Cess Act, 1880; or if no such rules have been made, the amount shall be calculated in accordance with the rules regulating the payment of compensation pensions and gratuities to uncovenanted servants of the Government."

He said he did not think it was necessary for him to detain the Council by explaining this amendment at any great length. The object of the amendment was obvious on the face of it, namely, to provide for the payment of pension or gratuity by way of compensation for loss of appointment to any of the employés of the Road Cess Committees whose appointments might be abolished, or whose services might be dispensed with, under the operation of the new Local Self-Government Bill. He thought Hon. Members would admit that it was only fair and in accordance with the custom of the Government service that men should receive compensation when they were deprived of their means of livelihood without any fault of their own, and he imagined it was only by oversight that some provision of this nature was omitted from the original Bill.

The amendment which he was moving to introduce would, he trusted, have another effect besides providing for the payment of compensation to men who were deprived of their appointments. He trusted it would have the effect of

The Hon. Joy Prokash Lall.

making District Boards weigh carefully whether any man's discharge was really necessary under this Act—that it would make them reflect before burdening the District Fund with the payment of gratuities. He hoped when this Act came into force it would have the effect of giving something like permanence to the establishments of District Boards. Hitherto these Local Fund establishments under the Road Cess Committees had been in a very unsettled condition. They had had, as it were, a sword hanging over them for the last five years. The last Cess Act was passed in 1880, and section 132 of that Act provided that all the District Engineers appointed before it was passed should be required to vacate their appointments two years after the passing of the Act, *i.e.*, on the 1st October 1882; but that they should be eligible for re-appointment. Therefore, all through those two years these gentlemen had lived in dread of being turned out of their appointments. Before those two years expired the new Local Self-Government scheme was started, so when the 1st October 1882 arrived, instead of being finally discharged or permanently re-appointed according to the intention of the Cess Act, it was deemed expedient to re-appoint them provisionally and as a temporary measure, subject to any change in the constitution of the office of District Engineer which might be decided on under the Local Self-Government scheme. He would read to the Council the circular which was issued at the time:—

"With reference to the circular from this office on the subject of the re-appointment of District Engineers in those cases in which the office would become vacant on the 1st October next under the provisions of section 132 of Act IX (B C) of 1880, I am directed to inform you that it is not improbable that some change will be made in the constitution of District Road Cess Committees by the legislation that will have to be adopted with reference to the Local Self-Government scheme now under consideration, and the Lieutenant-Governor therefore sanctions the re-appointment of the gentlemen named below, only as a temporary measure, subject to any change in the constitution of the office of District Engineer that may be decided on."

He might remind the Council that when the Local Self-Government Bill was originally introduced, it was in contemplation to abolish District Boards, and to make Local Boards the administrative unit; therefore at that time it seemed probable that the office of District Engineer would be abolished altogether. The present Bill, however, provided for a District Board and for District Engineers, and there was no reason why most of the present District Engineers should not be retained in their appointments. At the same time he recognized the expediency of giving the new District Boards that were to be constituted under this Act the option of retaining the old men or appointing new ones. And so long as due care and discrimination were shown in the exercise of this option, and compensation was given to men whose services were dispensed with, he did not think there should be any reasonable grounds for complaint against the operation of the Bill.

He had had a statement prepared showing the strength of the Road Cess establishment, and he found the number of men employed to be 222. Of these 16 were Government servants, viz. 10 District Engineers and 6 subordinates; 4 were Government pensioners, viz. 3 District Engineers and 1 subordinate, and the remaining 202 were persons unconnected with Govern-

ment. Of the latter, 29 were District Engineers, 137 were subordinates, and 36 were accountants. Now he ventured to hope that the great bulk of this large establishment would be re-employed by the new District Board. They had been working well and gaining experience, and it would be difficult to replace them. But there would be some few men, no doubt, whose services would be dispensed with, and they ought to be compensated. He found that none of the men had served so long as 15 years, which was the minimum service to entitle them to pension. They would, therefore, only be able to claim gratuity at the rate of a month's pay for every year's service. His reason for introducing into the wording of the amendment the expression "compensation pensions or gratuities" was that that was a sort of technical term used in the Civil Pension Code.

The amendment was put and agreed to.

The Hon. Kumar Baikanto Nath De moved that in line 3 of section 7 the word "fifteen" be substituted for the word "nine." He said that his object in proposing this amendment was to widen the basis of the District Board. A representative Board in a large district with only four elected members could not be strong, nor could it command that confidence of the community which it was desirable it should. The object of the Bill was to place a reasonable amount of power in the hands of the people, and this could not satisfactorily be effected if the number of their representatives was extremely limited. It was, moreover, well known that large communities could not exist anywhere without giving rise to parties more or less antagonistic to each other, and the selection of members from one or two parties out of several could not but give rise to very unpleasant consequences. This subject gave rise to much discussion in this Council when the Mofussil Municipal Bill was under consideration last year, and some places were deprived of the power of electing their own Chairman simply on the ground of the existence of strong party feeling. The argument applied as much to District Boards as to Municipal Committees, and the best mode of overcoming the evil appeared to him to widen the field of election, and to provide for the representation of all the leading parties. Moreover, the Bill was called "Local Self-Government," and necessarily implied a wider distribution of power than what obtained before; and since the Road Cess Committees which the Board was to replace contained more members than nine in each place, it was but meet and proper that the Board should have a larger number than what obtained in those Committees. He admitted that the law fixed only the minimum number, and that it was left to the Government to permit a larger number; but it would be much more satisfactory to the people if the minimum were fixed by law at a higher figure. As the District Boards would be located at the sudder stations, and the class of men to be elected would be the same as that which represented the Road Cess Committees, he did not at all apprehend any want of qualified candidates, and the Hon. Member in charge of the Bill had already borne testimony to the readiness of the people to work for their common interest. He trusted therefore that Hon. Members would see no objection to the adoption of the amendment.

Colonel the Hon. S. T. Trevor.

The HON. MOULVIE ABDUL JUBBAR said he objected to this amendment. There were many districts in Bengal in which it would be difficult to establish Boards of qualified persons if the number was raised higher. The section empowered the Lieutenant-Governor to fix any number he thought fit above the minimum, and he had every reason to believe that in fixing the number for each district His Honor would take all the circumstances into consideration.

The HON. MR. MACAULAY said that, notwithstanding what had fallen from the Hon. Mover of the amendment, he was unable to accept it. He maintained what he said on a previous occasion regarding the interest which had been displayed by the people in the municipal elections which had taken place. But that did not touch the question at issue. As the Hon. Member opposite (Moulvie Abdul Jubbar) had pointed out, the minimum number of nine had been fixed in reference to backward districts, and it was extremely likely that the number would be considerably raised in more advanced places under the discretion vested in the Lieutenant-Governor. He hoped this explanation would satisfy the Hon. Mover of the amendment.

The motion was put and negatived.

The HON. KUMAR BAIKANTO NATH DE said that, since sending in the notice of the second amendment on section 7 which stood against his name, it had struck him that two of the provisos to this section might be allowed to stand. He therefore solicited His Honor the President's permission to take up his motion to omit the provisos separately. He objected to the first proviso, because it disqualified a district for election on the ground of some of its sub-divisions being in a backward state. This, it struck him, was not fair. There were unquestionably many good and trusty men in the sudder station of every district, and he saw no valid reason to deprive a district of the privilege of election because of the backwardness of some of its sub-divisions. The punishment at first sight also appeared heavy. Out of a total of 47 or 48 districts under the government of His Honor, only 17 he saw were declared to be fit for the extension of the principle of election, and 30 or 31 were put under an embargo. He confessed that his experience of the different districts of Bengal and Behar was limited, but from all he knew he could confidently assert that at least some of the excluded ones were by no means less advanced than those which had been favoured. For instance, he could conceive no principle of justice which would give the privilege of election to Bankoora and deny it to Mymensing, or Bhagulpore, or Gya. To the best of his information and belief, the last three were much more thickly peopled by wealthy, influential, and intelligent residents than the former. He held besides, as he had already stated in support of his first motion, that there was no sudder station where the principle of election could not be safely introduced, and he begged to propose therefore that the clog devised in the proviso under notice be removed.

The HON. MR. MACAULAY said that the Hon. Member was under some misapprehension on two points. First he said it was not right that a district should be deprived of the privilege of election because some of its sub-divisions were in a backward state. But the Hon. Member had not observed

that the first proviso only referred to districts in which there were no Local Boards. If there were any Local Boards in the district, then this proviso would not apply. The criticism that because one or two sub-divisions were precluded from having Local Boards, the district would be deprived of the privilege of election, was wholly erroneous. Then with regard to sudder stations, the Hon. Member said that, though the interior of a district might be in a backward condition, there were always in the sudder station many persons of intelligence and position who were fit to be elected. The question, however, was not whether there were people who were fit to be elected, but whether there were people who were fit to elect them, and the Government would be at least as well able to select members to serve on the Board as a number of ignorant people who had probably never heard the names of half of them.

The motion to omit the first proviso to section 7 having been put to the vote, the Council divided:

Ayes—2.	*Noes*—9.
Hon. Kumar Baikanto Nath Dé.	Hon. Mr. Irving.
Hon. Joy Prokash Lall.	Hon. Moulvie Abdul Jubbar.
	Hon. Mr. Garrett.
	Col. the Hon. S. T. Trevor.
	Hon. Mr. MacDonnell.
	Hon. Mr. Macaulay.
	Hon. Mr. Reynolds.
	Hon. the Advocate-General.
	His Honor the President.

So the motion was negatived.

The Hon. Kumar Baikanto Nath Dé moved that the second proviso of section 7 be omitted. Its governing principle, he said, was the proportion of "one-half," and that he thought was objectionable. It made the whole scheme of Self-Government a mockery. With a clear majority of official or appointed members, there could be nothing of "self" left in the scheme. He was sure it was His Honor's wish to give some administrative power to the people, and not to make them appear on the Board as mere dummies; and seeing that His Honor had already extended the proportion of two-thirds to the case of Municipalities, he hoped His Honor would see no objection to the omission of this proviso which he proposed in order to clear the way for the proportion of one-third for official members which he intended to move in connection with the last proviso of the section under notice. He believed that the security for the due discharge of business would depend entirely on the rules which the Lieutenant-Governor would frame under section 135, and it would be in reality quite immaterial whether the relative proportion were one-third or one-half. Everything would depend upon the length of the tether which His Honor would permit; but in the face of the ostentatious name of "Self-Government" he thought it would look well if the proportion he proposed were adopted.

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The HON. MR. REYNOLDS observed that the Hon. Member had overlooked the fact that the proviso required that *not less* than one-half the members should be elected; that would really admit of the whole number of the Board being elected if the Lieutenant-Governor thought fit.

The HON. MR. MACAULAY said that the Hon. Member who had moved the amendment had probably overlooked the fact that the effect of omitting this proviso would be to remove the safeguard that at least one-half of the Board must consist of elected members wherever Local Boards had been established throughout the district. As had already been pointed out, it would be quite possible that under this provision all the members of a District Board might be elected, and it would no doubt be the object of the Government to work up, as far as might be feasible, to that point. The object here was to secure at least one-half of the members being elected, and the Government might work up to as large a number as might be found practicable.

The motion was put and negatived.

The HON. KUMAR BAIKANTO NATH DE by leave withdrew the motions, of which he had given notice, to omit the third and fourth provisos of section 7.

The HON. KUMAR BAIKANTO NATH DE moved that in the fourth proviso of section 7 "one-third" be substituted "for one-half." After what he had said as to the relative proportion of official and non-official members, he need not take up the time of the Council by saying anything in support of this motion.

The HON. MOULVIE ABDUL JUBBAR opposed this amendment. He observed that salaried servants of the Government had generally better knowledge of local affairs and of the requirements of the district in which they were employed than other persons, and if a further restriction was put on their appointment, it would deprive the District Board of some valuable members: the District Superintendent of Police, the Civil Surgeon, and the Deputy Collector in charge of the road cess would be useful members of District Boards.

The HON. MR. MACAULAY pointed out what would be the practical result of this amendment if it were carried out. It would be observed that at least one-half of the members of the District Board would be elected. If the amendment was carried it would necessarily follow that only one-sixth of the total number of members might be salaried officers of the Government. Where, for instance, the Board consisted of 15 members, under the operation of the proposed rule only two could be salaried officers of the Government. In working the section of the Municipal Act after the recent elections, even the restriction there had been found in some cases just as much as the Government could manage to work with, and had the restriction been greater they would have been compelled to exclude Civil Surgeons, the head masters of schools, and others possessed of local knowledge and held in respect in the district. Even as this Bill stood, only two out of 15 members would probably be salaried servants of Government, and the effect of the amendment would be to compel the Government to proceed more cautiously in increasing the number to be elected. He did not know whether the Hon. Member had considered the effect of the amendment he proposed. It would affect seriously the working of the Board and the

the hands of the Government in respect of the further application of the principle of Local Self-Government.

The motion was put and negatived.

The Hon. Kumar Baikanto Nath Dé by leave withdrew the motion, of which he had given notice, to omit the words "if any" in the penultimate paragraph of section 7.

The Hon. Joy Prokash Lall by leave withdrew the motions, of which he had given notice, for the amendment of section 7.

The Hon. Mr. MacDonnell moved to substitute in clause (*c*), section 9, the words "five hundred rupees" for the words "two hundred and forty rupees," and in sub-section 3 of the same section to omit the words "or holds a certificate as a pleader or mookhtear." He said that perhaps it would meet the wishes of the Council, as he thought it would facilitate business, if he explained once for all the reasons which induced him to bring forward both these amendments. Both were based on the same principle and both had the same object in view, namely, the restriction of the franchise, as far as Local Boards were concerned, to the more substantial members of the community. Perhaps he might be permitted to explain that it was through no feeling of opposition to the principle of the Bill that he moved these amendments. Indeed, he might say that he accepted the principle of the Bill as wise and statesmanlike under the present circumstances of these provinces. He might also be permitted to say that he had always endeavoured, while in charge of a district, to give to the principle of local self-government as large a development as under the circumstances it was possible to give it. His Hon. friend in charge of the Bill, when presenting the Report of the Select Committee, paid him a compliment upon that point which, looking to his (the speaker's) attitude in respect of this provision of the Bill, he might without egotism appropriate to himself. Therefore he came before the Council with a certain recommendation as having himself always been in favour of the principle of local self-government and having thought that its development was called for by the circumstances of the time. It was because he thought that section 9 of the Bill did not give to the principle the fullest measure of fair play that he proposed his amendment. The strongest arguments which had been advanced both in that Council and in the public press against the principle of local self-government were in the nature of appeals to the backwardness of the classes whom they were inviting to assist them in managing their own affairs. Race hostility, caste distinctions, class differences, all these had been appealed to as reasons for not giving effect to this generous policy. He was quite aware that there were some gentlemen who despised warnings of this sort and who drew their inspiration more from the liberalism of the west than from the lessons to be gained from the history of their own country during centuries of despotism and unawakened political intelligence. It was true that many changes were going on around them; old methods of thought were yielding place to new ideas, old habits and customs were being transformed under the salvents of modern progress. If this Council were worthy of the position which they held, they must also advance with the times. But to whom were they to appeal to nurse this new life to a healthy and robust

maturity? Were they to appeal to those who as yet themselves felt no throbbings of the new life or saw no flush of the new dawn in the intellectual sky? Were they to appeal to those raiyats who with difficulty earned a precarious subsistence from a constantly diminishing modicum of land? Were they to appeal to the multitude to whom knowledge was yet a sealed book? It was because the answer to these questions should be given in the negative that he brought forward this amendment. He thought that the Road Cess qualification of Re. 1 was a good qualification. He was once disposed to think it too high, but on consideration he thought it the best they could adopt; for if a man paid Re. 1 Road Cess he must pay Rs. 64 rent, and that implied, on the average of rent payable in these provinces, a holding of 20 acres of land. The net income of the ryot holding 20 acres of land would not on the average be less than Rs. 400 per annum; for the gross value of the produce in grain or cereals of an acre of land was usually about Rs 40 while the cost of production need not be taken at more than half that sum. The net profit would thus be Rs. 20 per acre or Rs. 400 for a 20-acre holding. A ryot with such an income would be a respectable, substantial man, and you could ask him to vote.' In like manner the license-tax qualification was also fair, as it represented an income of Rs. 500. There was, however, a third qualification of Rs. 240, which Mr. MacDonnell did not think justifiable For not only did he think that there should be a uniformity in the qualifications; but he also thought it essential that no qualification should have the effect of neutralizing another. If the receipt of an income of Rs. 500 was considered necessary in the cases already mentioned, this Rs. 240-qualification should be increased. If an income of Rs. 240 was sufficient in this case, then the others should be lowered. Uniformity in the qualifications being desirable, he thought they should rather level up than level down These qualifications were maxima. The Lieutenant-Governor retained the power of reducing them if necessary, and he would remind the Council that it was much easier to advance in a matter of this description than to go back. If it was found that the experiment answered all expectations, it would be easy to lower the franchise; but it would be an invidious task to raise it, even should the experiment prove unsatisfactory. It would be better, therefore, to proceed cautiously, to appeal in the first instance, to a high class of intelligence and stake in the country, and, if that answered expectations, to lower the franchise afterwards. That was the course which had been followed in England. The franchise was at first given to, comparatively speaking, a few. It was extended to a larger number as the country advanced in prosperity and general enlightenment These were the grounds upon which he (Mr. MacDonnell) based the first portion of his motion. He understood from the Hon. Member in charge of the Bill that one reason for the qualification of Rs. 240 was that, if it was not retained, a very respectable class of Government pensioners would probably be excluded. That was not an argument or an objection which struck Mr. MacDonnell at first; but he was willing to confess that it deserved attention, and if he was not out of order, he would propose to meet it by adding to the Rs. 500 qualification the words "or having been in the public service had drawn a salary from the State of Rs. 500

during the three years preceding his retirement." This would bring in the Government pensioner who, in his experience, exercised a healthy and wholesome influence in the district. On this point he could speak from personal experience as Collector of Sarun, from which district a number of recruits for the army was drawn. Native Officers after retirement settled down and held a most respectable position, and it was desirable on every ground that such persons should possess the franchise. It certainly might be said with truth that such native officers did not depend on their pensions alone; they held land, and possibly would have a vote even under a Rs. 500-qualification; but he was willing to make sure that they should have votes, even if for that end it was necessary to go below a pension of Rs. 20 per month.

With regard to pleaders and mookhtears he admitted that a University degree was a proper qualification; but he did not see why because a man was a pleader or a mookhtear, but not a graduate, he should have the franchise. He need hardly say that he held the legal profession in respect, but he thought that if the educational qualification did not apply, legal practitioners should be subject to the money qualification of Rs. 500, which would suffice to include all the respectable members of the profession. He saw no reason why a mookhtear, independent of the amount of his earnings, should be admitted and not a native doctor or a school-master who did not happen to be a graduate. Under these circumstances, he thought that the franchise was being undaly lowered by admitting, irrespective of any property qualification, particular classes of persons, whose characteristics might be empty pockets and glib tongues. He put it to the Council that in this first experiment they ought to appeal to the intellect and substantial interests of the country, and when they found that succeed then to appeal to a wider constituency.

The Hon. Moulvie Abdul Jubbar observed that for the sake of avoiding inconsistency he was of opinion that the first amendment proposed by the Hon. Member ought to be made.

The Hon. Mr. Macaulay said he was sure other Hon. Members, in common with himself, had listened with much interest to the warning which the Hon. Mover of the amendment had given them, and to the arguments which he had adduced in support of his amendment, but he thought that those remarks ought properly to lead to a different conclusion. He understood the Hon. Member maintained that in the essay the Council was making they should look for support to the intelligence and education of the country, and if his remarks had been followed by an amendment to raise the qualification for cultivators, Mr. Macaulay could have understood them; but the key-stone of his argument was uniformity as regards the actual amount of income. His argument was that because, under the property qualification for road cess, a man was supposed to earn about Rs. 500 a year, and because under the minimum for license tax he was also earning Rs. 500, therefore the Council should fix a qualification of about Rs. 500 for incomes from other sources. Mr. Macaulay might explain that the object of the Select Committee in taking payment of license-tax as a qualification was to make it easy for all but petty traders to claim the right to vote without going through a fresh process of proving

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income, a process from which they would shrink and which they would certainly regard with suspicion. Had it not been for that, we could have recognized two classes of income only—income from land, and income from other sources than land. And he maintained that it was not only unobjectionable but most appropriate that they should recognize a difference in the sources of income, and say that a lower income should be admitted as a qualification in regard to the second class of incomes than in regard to the first. What we desired to secure in our voters was local knowledge and interest, and intelligence. It had been considered that if a man derived about Rs. 500 a year from land he had a local interest so substantial that he could be admitted to the franchise without further enquiry as to intelligence. But there was another class whose income was supplemented by their intelligence. His Hon. friend had recognized this in his reference to Government pensioners. But there were others. MR. MACAULAY maintained that if a man earned Rs. 240 a year by the exercise of his faculties, whether as a clerk or the lessee of a ferry, or if he had come into possession of Government securities which gave him an income of Rs. 240 a year, such a man certainly was as well qualified to vote for a member of a Local Board as a respectable raiyat who earned Rs. 500 a year by driving a pair of bullocks across 20 acres of land. Any proposal made for uniformity would have the effect either of making the one qualification too high or the other too low. If the qualification from sources other than land was fixed at Rs. 500, then the qualification from land would have to be raised to Rs. 1,000. From this point of view MR. MACAULAY would not have so much objection to the amendment of the Hon. Joy Prokash Lall as to the amendment now before the Council, because it would always be in the power of Government to reduce the limit of income. It seemed to him that the income qualification from sources other than land should certainly be lower than that from land, and that the very uniformity for which the Hon. Member pleaded was the strongest argument against it.

With regard to the second amendment, MR. MACAULAY observed that this was a question not of a person filling the responsible position of a member of a Board, but of exercising the faculty of discernment in voting, and he did not think it was safe to say that a pleader or mookhtear was not fit to vote because he was not earning Rs. 40 a month. The policy of an educational qualification, coupled with some guarantee of local knowledge and interest, had been deliberately adopted, and he submitted that a man who had been able to secure a certificate as a mookhtear or pleader might fairly be considered intelligent enough to give a vote. For these reasons MR. MACAULAY was unable to support the amendment.

The HON. MR. MACDONNELL said he did not think the main argument had been touched. His main argument was that this was an experiment, and it being an experiment, the Council ought to proceed as cautiously and as tentatively as was consistent with the object of giving a fair measure of representation. He had pointed out that they were in the dark as to the success of the experiment. His Hon. friend, in the course of a previous debate, referred to the success of the municipal elections. MR. MAC-

DONNELL admitted that the municipal scheme, as far as it had gone, had been successful, but it had only been in operation a few months, and it was rather early to claim perfect and entire success such as would justify the extension of the franchise to the large classes included in this Bill. He maintained that a man who earned Rs. 20 a month, not from trade or agriculture, but by the exercise of his wits, was not a man who should be allowed the franchise.

[The HON. MR. MACAULAY observed that there was no reason why it should not be drawn from trade. The license-tax qualification had been adopted for the purpose of bringing in a particular class of traders, but other traders could come in under clause (*c*)].

The HON. MR. MACDONNELL continued.—Then the sweetmeat-seller or huckster at the corner of a street, who knew nothing about the requirements of the district, would be admitted to the franchise. They should have persons who had a substantial stake in the country, who were intelligent, and who could be expected to exercise the right of voting properly. Of course his Hon. friend said it was merely giving a vote, but in doing so the voter exercised a responsible function, and the Council ought to see from *à priori* reasons, where practical experience did not exist, that he was in a position to exercise the function properly.

The HON. MR. MACDONNELL's amendment on clause (*c*) of section 9 having been put to the vote, the Council divided :—

Ayes—5.	*Noes*—6.
Hon. Mr. Irving.	Hon. Kumar Baikanto Nath Dé.
Hon. Joy Prokash Lall.	Col. the Hon. S. T. Trevor.
Hon. Moulvie Abdul Jubbar.	Hon. Mr. Macaulay.
Hon. Mr. Garrett.	Hon. Mr. Reynolds.
Hon. Mr. MacDonnell.	Hon. the Advocate-General.
	His Honor the President.

The motion was therefore negatived.

The HON. MR. MACDONNELL's amendment on sub-section (3) of the same section was put and negatived.

The HON. JOY PROKASH LALL moved that in qualification (2), clause (*a*) of section 9, the words "three rupees" be substituted for "one rupee;" and that in the proviso of section 13 the words "who holds a respectable position in society and" be inserted after the words "twenty-one years;" also that in qualification (2), clause (*a*), of the same section, for "five rupees" the words "ten rupees" be substituted, and in clause (*c*), for "one thousand," the words "two thousand" be substituted. He thought that by raising the qualification for voting, the services of the really respectable and intelligent classes of the people would be secured. It was no use in the present state of society to make the qualification so low. As regards the qualification for elected members, respectability and education should be the chief elements, otherwise the whole scheme would be looked upon with indifference and disfavour by the respectable and educated classes.

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The HON. MR. MACDONNELL asked the Hon. Member how he would define "respectability." "Gigs" were not, as far as he knew, used in Behar. Would the Hon. Member then substitute the national "ekka," and thus adhere to the well-known definition;

The HON. JOY PROKASH LALL replied that he meant to refer to people who, according to native ideas, held a respectable position in society.

The HON. MR. MACAULAY said that throughout the discussions which had taken place of late on the policy of this measure there had been a tendency, he regretted to say, to regard education as anything but a guarantee of respectability. The Hon. Member had disclaimed wealth as affording such a guarantee, and unless he meant some fixed length of genealogical tree it was not easy to see what he meant by a "respectable position in society." But the practical question was contained in the second amendment on section 13. His Hon. friend opposite (Mr. MacDonnell) who was able to speak with authority on the subject, had told the Council that the payment of road cess to the amount of one rupee represented an income of about Rs. 500 from land, and therefore the payment of Rs. 10 road cess would imply an income of about Rs. 5,000 from land. How many gentlemen qualified by leisure and education to hold the position of a member of a District Board would be found to derive an income of Rs. 5,000 a year from land? The question was whether such a provision would not discredit the whole Bill.

The motions were severally put and negatived.

The HON. MR. MACDONNELL moved that in sub-section (3) of section 13 the words "or holds a certificate as a pleader or mookhtear" be omitted. As he had already expressed his views upon the point, MR. MACDONNELL would not detain the Council further than to point out that a qualification which might be thought a desirable qualification for voting was not necessarily a desirable qualification for the membership of the Local Board. A higher grade of intelligence and a larger stake in the country were necessary in this experiment for members than for voters.

The HON. MR. MACAULAY observed that the education and property qualifications should be taken to hang together. If it was proposed here to make education pure and simple a qualification for election, he would have supported this amendment, but the principle was that with the property qualification there should be intelligence to fit a person for being a member of a Board; and having accepted that principle, it was thought that a man qualified educationally in a certain way and also qualified in the other way by being a member of a joint undivided family, should be held to be eligible for election. If property was taken as the basis it was only logical to say that education added to it was sufficient. He thought there would be a danger of injuring to a considerable extent the success of the measure if they adopted anything which would tend to exclude pleaders from serving as members of the Board.

The HON. MR. MACDONNELL was disposed to confine his amendment to the exclusion of "mookhtears" if that would induce his Hon. friend to accept it. It was true that the older class of pleaders were not always graduates, but

the younger race of pleaders were usually graduates, and this taken in conjunction with the joint family qualification would go a long way to secure local interest and intelligence. But as to mookhtears, in his experience they were not well educated, and very many of them were impecunious men of no standing in or credit to their profession. He would, with the permission of the Council, confine his amendment to the omission of the words "or Mookhtear."

The motion having been put, the following votes were recorded—

Ayes—3.	*Noes*—8.
Hon. Mr. Irving.	Hon. Joy Prokash Lall.
Hon. Moulvie Abdul Jubbar.	Hon. Kumar Baikanto Nath Dé.
Hon. Mr. MacDonnell.	Hon. Mr. Garrett.
	Colonel the Hon. S. T. Trevor.
	Hon. Mr. Macaulay.
	Hon. Mr. Reynolds.
	Hon. the Advocate-General.
	His Honor the President.

So the motion was negatived.

The Hon. Mr. Macaulay moved that the following proviso be inserted after the proviso contained in section 15:—

"Provided that the Lieutenant-Governor may, at any time in regard to any Local Board, direct that two-thirds of the members of such Board shall be elected under the provisions of sections nine, ten and thirteen, and that one-third shall be appointed under the provisions of section 11."

He said it was intended that the proportion of one-half Government servants should only apply to cases where all the members of the Local Board were appointed. This amendment was proposed after consideration by the Lieutenant-Governor, and if it was adopted it would do away with a great deal of difficulty in regard to the scheduled districts. Some districts had been omitted from that schedule because, as all the Local Boards would hold together, the Lieutenant-Governor would be compelled to give the elective franchise to all the Boards in a remote district if he gave it to any; other districts had been included, although one or two sub-divisions in them were not so advanced as the others. The effect of the amendment would be that whenever the Lieutenant-Governor was satisfied that any sub-division of a district was fitted for the exercise of the elective franchise, he might bestow the privilege on that sub-division without waiting until the whole district was prepared for it.

The motion was put and agreed to.

The Hon. Joy Prokash Lall by leave withdrew the motion, of which he had given notice, to substitute "one-third" for "one-half" in the proviso of section 15.

The Hon. Kumar Boikanto Nath Dé moved that in the proviso of section 15 "one-third" be substituted for "one-half." He said that the arguments in favour of this amendment were the same as those which he had urged in support of his last amendment.

The Hon. Mr. MacDonnell.

The HON. MR. MACAULAY explained that this section applied only to the case of backward districts, in which the Government appointed all the members of the Local Board.

The motion was put and negatived.

The HON. JOY PROKASH LALL by leave withdrew the motion, of which he had given notice, that the words "but such term shall not be less than three years" be inserted after "relation" in the last line of paragraph 2 of section 16.

The HON. JOY PROKASH LALL moved that in section 17, line 10, the words "and shall not be re-elected until the expiration of the term for which he would have held the office but for his resignation" be omitted. This restriction, he said, was unnecessary, because when a man had resigned of his own accord and was again willing to serve and people chose to re-elect him, he did not see why such a person should be debarred from serving again.

The HON. the ADVOCATE-GENERAL considered the restriction was very necessary. On a recent occasion he thought that, according to his interpretation of the Calcutta Municipal Act, the gentlemen who had resigned ought not to have been re-elected. When a person capriciously resigned, and then wished to put himself forward for re-election, he considered such a restriction a very wise and sensible one: it would induce persons to think and reflect before they acted.

The motion was put and negatived.

The HON. KUMAR BAIKANTO NATH DÉ moved that in clause (*a*) of section 18 the words "shall have been sentenced to imprisonment by a Civil Court" be substituted for the words "is convicted of any such offence or subjected by a Criminal Court to any such order as in the opinion of the Lieutenant-Governor unfits him to be a member." He said the object of this amendment was to give perfect assurance that the tenure of office of the elected members should depend upon well-defined laws and not on the discretion of local officers. He used the phrase "local officers" advisedly. He was well aware that the clause as worded in the Bill left it to the discretion of the Lieutenant-Governor to decide what particular order of a Criminal Court should be held a disqualification for service on a District Board, and he had the firmest conviction that His Honor would take the most lenient and generous view of every case. Far be it from him to entertain even the shadow of a doubt in such a case. But His Honor would, he was sure, pardon him if he urged that it would not lie in his power to devote that attention and that personal knowledge to matters of this kind which might be necessary. It would be impossible for His Honor in his exalted position to have any personal knowledge of members of Local Boards, and His Honor must be guided by local reports, perhaps of officers of no higher rank than a Deputy Magistrate of the fifth or sixth grade. Such reports could not always afford that sense of security which was essential to an honest, conscientious and independent discharge of duty. As a matter of fact, the security might be perfect, still the sense of its existence would be wanting. It was well known that, notwithstanding the utmost anxiety of Government to prevent the dismissal of clerks on frivolous or insufficient grounds, and the repeated orders and circulars which had been issued from time to time, many people did suffer the heavy punishment of dis-

missal for small or trivial faults. Such an occurrence in an honorary elected office would deter all good men from offering themselves as candidates and undergoing the trouble and expense of canvassing. If the experiment was designed to be successful, it should be ushered in in such a way as to induce good and able people to come forward, and all cause of apprehension should be carefully avoided. The odium of expulsion was great, and it should not be allowed to be inflicted on any one without a sufficient and well-defined cause, and the clause as it now stood did not provide this. He resorted, therefore, to the wording of the Municipal Act of 1863, and the two Calcutta Municipal Acts, which defined the offences very clearly and could not lead to any misapprehension. They had worked satisfactorily for a quarter of a century and were well understood by the people, and there was no valid reason for setting it aside in favour of pure official discretion. He begged to recommend the amendment to the approval of the Hon. Members of the Council.

The HON. MOULVIE ABDUL JUBBAR said he was against the amendment. The Hon. Member did not mean to say that a member of a Board who was convicted of theft should continue to hold office if he was not sentenced to imprisonment. There were offences which came under the category of felony in regard to which the law gave the Court a discretionary power of punishment by fine.

The HON. the ADVOCATE-GENERAL observed that the object of this provision was to enlarge the scope of action: very often a man who had really committed an offence for which he was liable to imprisonment got off upon some technicality: in such cases the Lieutenant-Governor, looking at all the circumstances of the case in a broad view, would exercise the discretion which this section was intended to give him. But in such cases, he thought, the person accused should be allowed to show cause or justify himself.

The HON. MR. MACAULAY said the question was whether the words "in the opinion of the Lieutenant-Governor" did not imply that he should make an enquiry.

HIS HONOR the PRESIDENT observed that the Government every day had to deal with cases of this kind,—cases in which a public officer on trial had been acquitted before a Criminal Court, but in which the department representing the matter considered that the person concerned ought not to be retained in the Government service,—cases in which where, although guilt had not been legally established, the moral charge was so strong that in the public interests the Government did not consider it proper to retain the services of such an individual.

The motion was put and negatived.

On the motion of the HON. MR. MACAULAY, the words "formed after due enquiry" were then inserted after "Lieutenant-Governor" in clause (*a*) of section 18.

The HON. JOY PROKASH LALL by leave withdrew a similar motion on the same clause of which he had given notice; also the notice of motion to insert the words "not being later than six months from the date when this Act receives the assent of the Viceroy and Governor-General" after "behalf" in section 21.

The Hon. Kumar Baikanto Nath Dé.

The HON. KUMAR BAIKANTO NATH DÉ moved that the words "elected by the members of such Board from among their own number, subject to the approval of the Lieutenant-Governor," be substituted for all the words after the words "appointed by" in section 22. He said that in moving the next amendment he felt somewhat at a disadvantage. He had lately noticed in the local papers some discussion on the subject, and the official impression seemed to be that the Secretary of State insisted upon the clause as it stood. The Government despatch on the subject and the Secretary of State's reply thereto had not, however, been laid on the table of this Council, and he knew nothing about them. He was disposed to think, however, that the Secretary of State's orders were not positive, and that the matter had been left entirely to the discretion of the Lieutenant-Governor. This was obvious from the wording of the section. It said "the Chairman shall be appointed by the Lieutenant-Governor, or, should the Lieutenant-Governor in any case so direct, be elected by the members." That was not the language of positive order, but of discretion; and that being the case, he solicited His Honor to extend the same privilege to District and Local Boards that had already been bestowed on Moffusil Municipalities. The class of people concerned was the same; the interests involved were very much alike; and there was no reason, therefore, to apprehend any evil in the case of Boards which could not have been apprehended in regard to Municipalities. The testimony already repeatedly borne by the Hon. Member in charge of the Bill was in favour of this assumption.

The HON. MR. MACAULAY said the Hon Member wished the Council to understand that the moving of this amendment was dependent upon a question of fact,—namely whether or not the instructions of the Secretary of State on this point were definite. He would tell the Hon. Member that the precise words used in the letter from the Government of India informing the Lieutenant-Governor of the decision of the Secretary of State were—"It will therefore be necessary to provide in the Bill that the Chairman of the District Board may be either appointed by the Local Government or elected by the Board as the Local Government may, in the case of each district, think fit to order;" and those words were introduced into the section as far as legal phraseology would permit.

The HON. KUMAR BAIKANTO NATH DÉ then, by leave, withdrew the motion.

The HON. JOY PROKASH LALL by leave withdrew a similar motion on the same section of which he had given notice.

The HON. JOY PROKASH LALL moved that the words "two years" be substituted for "one year" in paragraph 1, line 2, of section 24. He said that the period for serving on the Board should not be so short. It was only after some time that a member might expect to master the details of the work, and by the time he had made himself familiar with them he would have to vacate his post. The short-service system was unknown in India; people were in the habit of carrying on the same business from generation to generation. He thought the term of appointment of a Chairman should be not less than two years.

The HON. MR. MACAULAY said he did not know whether the Hon. Member apprehended the result of his amendment. This referred to an appointed Chairman, and there was nothing to prevent the Lieutenant-Governor from re-appointing him. If he was appointed for two years, an elected Chairman could not be allowed within that time.

The motion was put and negatived.

The HON. JOY PROKASH LALL moved that the words "subject to approval by the Lieutenant-Governor" in paragraph 1 of section 25 be omitted. He said that in the Local Self-Government Acts for the North-Western Provinces, Punjab, and the Central Provinces, he did not find that the election of a Chairman of a Local Board was made subject to the approval of Government. He therefore asked for the withdrawal of this restriction.

The HON. MR. MACAULAY said that an instance had recently occurred in which the Lieutenant-Governor found it necessary to exercise the discretion vested in him by the Municipal Act; and if that was the case in regard to Municipalities, he apprehended it was more necessary in the case of Local Boards.

The motion was put and negatived.

The HON. JOY PROKASH LALL by leave withdrew the notice of motion for the omission of the first proviso of section 33.

The HON. JOY PROKASH LALL moved that in the second proviso of the same section the word "twenty" be substituted for "twenty-three." He thought the maximum amount of 20 per cent. would be sufficient. Highly paid Engineers would not be required in every district: the District and Local Boards might be allowed to manage the business economically.

The HON. MR. MACAULAY said he was advised by his Hon. friend, Colonel Trevor, that the adoption of this amendment would not lead to any great inconvenience, as it really represented the actual fact.

The motion was put and agreed to.

The HON. JOY PROKASH LALL moved that in the proviso of section 46 the words "unless a resolution in favour of such lower rate shall have been carried by the votes of not less than two-thirds of the whole District Board" be substituted for the words "without the sanction of the Lieutenant-Governor." He contended that the local authorities would not be willing to reduce the rate of road cess, because they were bound to find the money to meet the demands imposed upon them by this Bill, but they would not like to be told that they could raise the cess, but not reduce it without the sanction of the Lieutenant-Governor. The amendment now proposed would be a sufficient safeguard against the cess being unnecessarily reduced.

The HON. MR. MACAULAY said he did ot know whether the Hon. Member had considered that the power to reduce the cess was really a crucial question. He had already stated—and he appealed to native gentlemen and officers to say whether it was not the fact— that in no district was the cess sufficient, and it was not likely to be so for a generation or two to come. He had appealed also to his own experience as Financial Secretary to the Government for the last five years, during which time nearly every

district, and some districts more than once, had applied for grants-in-aid. There were two essential safeguards provided,—one in respect of direction, which the Government of Bengal was required to make; and the other in relation to the provision of funds. If this amendment was carried, he would be obliged to ask the Council to postpone the motion to pass the Bill, because it would be absolutely necessary to re-consider the whole of its proposals.

The motion was put and negatived.

The HON. JOY PROKASH LALL moved that in line 8 of the first paragraph of section 48 the words "or when the Committee declines to make such modifications, and shows reasons for adhering to its former decision, on receipt of such estimate so re-submitted, the Commissioner may either sanction the estimate or may submit it, together with the reasons recorded by the Committee and his own remarks thereon, to the Lieutenant-Governor for final disposal," be inserted after the word "made." He considered it desirable that the budget prepared by the Board should be subject to alteration by the Lieutenant-Governor only, and by no other officer.

The HON. MR. MACAULAY said that the section as it stood followed the Municipal Act. He did not think that he could say it was unnecessary with regard to District Boards elected by large constituencies, of which there had been no experience yet.

The motion was put and negatived.

The HON. MR. MACAULAY moved that the words "all receipts in respect of public ferries" be substituted for the words "the proceeds of public ferries" in clause (4) of section 52. The proceeds, he explained, would be the rates at which ferries were farmed out; but there would be other receipts in the way of fines and the like, which ought to be applied in the same way.

The motion was put and agreed to.

COLONEL the HON. S. T. TREVOR moved that the words "under section 3 and section 35" be substituted for "to such establishment" in line 4, clause (4) of section 53. This, he said, was simply a corollary of the amendment which had been made on his motion in section 3. It was to provide for the application of the district fund to pensions and gratuities.

The motion was put and agreed to.

The HON. MR MACAULAY moved that the words "any municipal authority or local authority" be substituted for the words "the Lieutenant-Governor" in clause (8) of the same section. This, he observed, was a purely verbal amendment to bring the section into correspondence with section 81, which referred to debenture loans raised by the Government of India or by any municipal authority or local authority.

The motion was put and agreed to.

The HON. JOY PROKASH LALL moved that for clause (2) of this section the following be substituted :—

"Ten per cent. of the net proceeds of the road cess towards the cost of making village roads and improving the sanitary condition of the village."

He said the chief reason why he proposed to give 10 per cent. of the net produce of the road cess was that it would at least ensure the repairs and construction of the roads which the people of the Union Committee would urgently require, and also to enable them to improve the sanitary condition of the village in which they resided. If Local Boards were not to have their whole income, or even the bulk of it, let the Union Committee have at least a fair share of the funds, say 10 per cent. of the cess paid by them. This, he thought, demanded the indulgent consideration of the Council.

The HON. MR. MACAULAY said he was sensible of the importance of doing all the Council could to improve the position of village communities, and of doing all they could for village roads. But it should be considered that under clause (1) the Union Fund got the proceeds of village pounds. He did not think they should go further and say that they should get 10 per cent. of the net proceeds of the road cess. If the Union Committee was not properly treated, they should take care to send other representatives.

The HON. MR. MACDONNELL said he entirely sympathized with the object of the amendment. Every district officer felt the necessity of spending money on district roads; but the effect of the amendment would be to tie the hands of the District Board, because there were some villages which did not require so much as 10 per cent. of the road cess, while others wanted more. The Board would have to take into consideration the whole of the wants of the district.

The motion was put and negatived.

The HON. JOY PROKASH LALL moved that the following further proviso be added to section 62:—

"Provided also that nothing contained in this section shall be held to make the district fund liable for the expenses, if the Government does not provide adequate funds for these purposes."

He said there was no doubt that Government would contribute from the provincial revenue to the district fund towards the cost of primary education and dispensaries, but in the absence of any express provision in the Bill declaring that the Government should place an adequate fund at the disposal of the Board for the purpose, people might think that the whole cost on account of primary schools and dispensaries would be some time or other thrust on them.

The motion was put and negatived.

The HON. JOY PROKASH LALL by leave withdrew the notice of motion to add the following proviso to section 66:—

"Provided that nothing contained in this section shall be held to make the district fund liable for the expenses, if the Government does not provide adequate funds for these purposes."

The HON. JOY PROKASH LALL moved that section 59 be omitted. He said he feared that the funds at the disposal of the district would not be large enough to maintain the dispensaries and hospitals of the district. It would raise expectations which it would be difficult to fulfil. There was no such provision in the similar Acts for the other provinces.

The Hon. Joy Prokash Lall.

The HON. MR. MACAULAY said the provision was permissive. If provision was not made for the purpose, they would be told that they were tying the hands of the local authorities. They could exercise the power if they thought proper.

The motion was put and negatived.

The HON. MR. MACAULAY moved that the following new section be added after section 88 :—

"88*A*.—All streams, channels, watercourses, tanks, reservoirs, springs and wells situated within the district, and not being private property or under the control of any officer of the Government, shall, for the purposes of this Act, be under the control and administration of the District Board."

He said the introduction of this section had been suggested by Mr. Collier, who was engaged in the work of drafting rules under the Act, and Mr. MACAULAY thought the suggestion was a good one. The provision was necessary to make the Part regarding sanitation complete. By section 73 all roads, bridges, channels, buildings and other property were placed under the control of the District Board, and it was in the same way necessary to place streams, channels, &c., under its administration in order to be able to expend public funds upon them.

The motion was put and agreed to.

The section was accordingly added to the Bill.

The HON. MR. MACAULAY moved that the following new section be inserted after the above:—

"88*B*.—The District Board may, by an order duly published at such places and in such manner as it may deem fit, set apart convenient tanks, parts of rivers, streams or channels situated within the district and not being private property or under the control of any officer of the Government, for the supply of water for drinking and for culinary purposes; and from the date of publication of such order, such tanks, parts of rivers, streams or channels shall be held to be public springs or reservoirs."

The motion was put and agreed to.

The section was accordingly added to the Bill.

The HON. MR. MACAULAY moved that the words "District Board or" be inserted before "Local Board" in the last line of section 110. The object, he said, was to provide for the very unlikely case in which a District Board might be dealing directly with Union Committees with regard to primary schools without reference to Local Boards. The amendment was necessary to complete the section.

The motion was put and agreed to.

The HON. MR. MACAULAY moved that the following new section be inserted after section 116:—

"116A.—Any public tank, stream, or well which the Union Committee may have cleansed or repaired under the last preceding section shall remain under the control and administration of the Union Committee; and the Union Committee may, by an order duly published in the village or villages in which such public tank, stream or well is situated, set apart the same for the supply of water for drinking and culinary purposes."

The HON. KUMAR BAIKANTO NATH DÉ said he regretted he could not record his assent to the amendment proposed. Simple as it was on the face of it, there lurked within it an element of great changes to the Hindu public. It was meet and proper that public tanks should be kept sweet at the expense of the Local

Fund or of the local public, but he failed to perceive the justice and propriety of converting old private tanks into public ones, and the section as worded amounted to that. The word " public " had not been defined in the Bill, but he happened to know that all such tanks, as distinct from mere excavations and ponds, were consecrated by the Hindus, and the consecration service contained a clause which dedicated the water of the tank to public use. Practically, too, no one put forth any objection to free access to a private tank. The owner retained his proprietory right to the site and the water and the fishing in it, and whenever so disposed could cause the tank to be filled up and converted to other use, but as long as it remained a tank its water was dedicated to the use of the Public. Now did this dedication of the water make the tank public ? He understood that the question had been before the law courts. On one occasion Mr. Mytton, then Magistrate of the 24-Pergunnahs, closed access to the tank in his garden, and the Sudder Court ruled that he was wrong ; other cases had since arisen, and on the face of the decisions that had been given, it appeared to him that to declare that every tank on which a Union Committee had spent a couple of rupees or so belonged to the Union was practically to confiscate private property on very insufficient grounds. Some private tanks were of large extent, covering many acres of land—a few were over half a mile in area, and to take them at a cost of any sum not exceeding a hundred rupees was arbitrary in the extreme, and he could not but raise his humble voice against it.

The Hon Mr. Macaulay said he did not understand the nature of the objection. The Hon. Member said that some tanks, although private property, were devoted to the use of the Public. If they were so devoted, and as the Union Committee was the guardian of the Public, the proposal was to give that body power to see to the good of the Public. The illustration given of Mr. Mytton's tank was different. It was a tank devoted to the use of the Public which he desired to fence in, and the law very properly interfered and prevented him from doing so. Such tanks would be very proper objects for the Union Committee to take charge of.

The motion was put and agreed to.

The section was accordingly added to the Bill.

The Hon. Mr. MacDonnell moved that after the words "orders of" in the last line of section 119, the words " or any institution controlled by " be inserted. He said that the control of schools and dispensaries had been made over to the local authorities. The object of the amendment was to enlarge the terms of this section, so that the Magistrate should have power to enter and inspect such institutions. He thought his Hon. friend in charge of the Bill contemplated the possibility of the Magistrate inspecting schools and dispensaries, but the words in the section were not sufficiently wide for the purpose.

The motion was put and agreed to.

The Hon. Joy Prokash Lall moved that section 120 be omitted; and in the event of the motion being lost, to add the following proviso after the first paragraph:—

" Provided that no portion of a district fund shall go to pay the Inspector of Works and his establishment, unless his appointment was made on the application of two-thirds of the members of the District Boards of the Division."

The Hon. Kumar Baikanto Nath Dé.

He said that the Inspector of Local Works occupied the same position as the Inspector of Schools, who was paid from the Provincial revenue. The Civil Surgeon exercised the same functions in respect of dispensaries; why then should the salary of the Inspector of Local Works be payable by the Boards? The District and Local Boards would have their own engineers to undertake their works, and he saw no necessity for having a highly paid Inspector to look after those works. If the Government chose to have such an officer, it should pay his salary from the Provincial funds.

The HON. MR. MACAULAY said there was some misapprehension on the part of the Hon. Member. There was no intention that the salary of the Inspector of Works should be paid by the District Board, whether two-thirds of their number applied or not, and that had been explained in the report of the Select Committee, and in section 22 that clause had been omitted. The district fund not being applicable to expenditure for such an object, it was not possible for the District Board to make any payment in respect of it.

The motion was then, by leave, withdrawn.

The HON. JOY PROKAS'J LALL moved that section 121 be omitted; and in the event of the motion being lost, to add the following proviso:—

"Provided that if the members express dissatisfaction with the order, the Magistrate or the Commissioner shall report to the Lieutenant-Governor, who shall pass final orders thereon."

He said that this section gave very great power of interference to the Magistrate; but if the Council thought proper to retain the section, his amendment would enable the Board to represent matters to the Lieutenant-Governor.

The HON. MOULVIE ABDUL JUBBAR said he thought this section ought to be retained. The Magistrate required some such power to keep the peace of the district. The District Board might order the construction of a road which might necessitate the demolition of a graveyard or a mosque or a temple, and unless the Magistrate had power to interfere a breach of the peace was likely to occur.

The HON. MR. MACAULAY asked the Council to reject this amendment on the ground that the section provided for cases of emergency, and if there was any delay in the action of the Magistrate, it would defeat the very object for which the section was introduced.

The motions were severally put and negatived.

The HON. MR. MACDONNELL by leave withdrew his notice of motion to insert the words "person or" after "any" in the last line but one of section 121.

The HON. KUMAR BAIKANTO NATH DÉ moved that in the first paragraph of section 122, the words "forward the complaint with such explanation as the Board may have given, together with the result of his enquiry, to the Lieutenant-Governor" be substituted for the words "by order in writing, fix a period for the performance of that duty." He did not wish to say much in support of this amendment. The relations subsisting between Divisional Commissioners and the Lieutenant-Governor, and the official etiquette in regard to the setting aside of the orders of Commissioners, were delicate matters, and he desired to avoid handling them. The broad ground to which he might safely refer was that

action first and deliberation afterwards was not correct in principle. Except in very emergent cases, which did not fall within the work of District or Local Boards, it was always best to deliberate first and take action next. Summary action in the case of District Boards was, moreover, calculated to cast a slur on them, and he would therefore urge that the complaints referred to in this section should always be submitted to the Lieutenant-Governor in the first instance, together with any explanation that the Board concerned might have to offer, and the Lieutenant-Governor should pass orders thereon. No mischief could ensue from this course, and at the same time there would be a perfect sense of security and fair play on every side. He was aware that the sudden bursting of a bund would require instant action, but he did not think that there would be any District Board where a thing of that kind would for a moment be neglected. For there was no chance of fifteen or more official and non-official members coming together who would be so perverse as to sit still and allow a district to be inundated.

The Hon. Mr. Macaulay asked the Hon. Member to refer to section 126. When the Commissioner made an order under section 122, he was required forthwith to submit to the Lieutenant-Governor a copy of the order, with a statement of his reasons for making it, and with any explanation which the local authority concerned might wish to offer, and the Lieutenant-Governor might thereupon confirm, modify, or rescind the order. There was ample provision, therefore, for the Lieutenant-Governor to interfere in case the order of the Commissioner was not a proper one. But it would not be in the interests of the Public that the Lieutenant-Governor should consider every case which came under this section.

The motion was put and negatived.

The Hon. Joy Prokash Lall by leave withdrew the following notices of motion:—

Section 122.—In line 2 of the second paragraph to insert the words "with the sanction of the Lieutenant-Governor" after the word "Commissioner."

Section 123.—To omit this section.

Section 126.—To omit this section.

The Hon. Kumar Baikanto Nath Dé also withdrew his notice of motion to omit section 126.

The Hon. Mr. Macaulay moved the following verbal amendments, which were severally put and agreed to:—

Section 135, *clause* (*a*).—In line seven, after the word "disqualifications" to insert the words "and registration."

Section 135, *clause* (*b*).—In line five of this clause to omit the word "and," and in the last line to insert the words "and the language in which business shall be transacted" after the word "proceedings."

Section 135, *clause* (*f*).—To omit the words "the language in which business shall be transacted and" in lines one and two of this clause.

Section 135, *clause* (*g*).—To omit this clause.

Section 135, *clause* (*n*).—In line one for the words "prescribing the manner in which" to substitute "regulating the submission for approval of," and in the last line to omit the words "shall be submitted for approval."

Section 135, *clause* (*o*).—To insert the words "and powers" after the word "duties."

The Hon. Kumar Baikanto Nath Dé.

The HON. JOY PROKASH LALL moved that section 139 be omitted; and in the event of that motion being negatived, that the words "neglect or" in line 7 be omitted. He said that the section would, he feared, dissuade respectable people from serving on the Board. They deserved the same protection as was afforded to Government servants. It would, he thought, be impolitic to make them amenable to the Civil Courts for acts done in good faith. The very existence of a provision like this would expose the members to the risk of being dragged into the Civil Court for any act they might do for the interest of the Public.

The motions were severally put and negatived.

The HON. JOY PROKASH LALL moved that the following Districts be added to the third Schedule. He thought that they should be so included.

Mozufferpore.	Bhagulpore.
Gya.	Balasore.
Durbhunga.	Cuttack.
Chupra.	Mymensingh.
Monghyr.	Rungpore.

Dinagepore.

The HON. MR. MACAULAY said the Council had probably received a copy of an application from the Mymensingh Committee, and he had that morning received a telegram from the same body, begging for the inclusion of Mymensingh in the Schedule. But as the Council had adopted the amendment in section 15, he apprehended that most of the difficulty experienced by those gentlemen would be removed, because in a great many of these districts, the Lieutenant-Governor would be able, under the power given in that section, to do all that would be necessary to meet the requirements of local bodies.

The motion was then, by leave, withdrawn.

The HON. KUMAR BAIKANTO NATH DE by leave withdrew a similar motion of which he had given notice.

The HON. MR. MACDONNELL moved to omit "Patna and Shahabad" from the third Schedule. In moving the omission of these districts from the Schedule, he would ask the Hon. Member opposite (Joy Prokash Lall) to consult his own experience of the district of Shahabad, and to say whether, in the sub-divisions of Bhabuah and Sasseram, he would be able to get together a responsible Board acquainted with the rural tracts to whom he would entrust the making of roads, the control of schools, and the distribution of medical relief. His own experience was that, outside the limits of the Municipalities, there was but little public spirit. Education had not extended in Behar as it had in Bengal; the English-speaking classes were few, the only educated persons being the pleaders, and they were all located in the sudder stations or the head-quarters of sub-divisions. Take, for instance, Burdwan, which was not a very advanced district in Lower Bengal. The number of people attending primary schools in Burdwan was 36,749 out of a population of 1,391,100; whereas in the district of Patna the number was only 19,558 out of 1,756,000. In Shahabad, with a population of 2,000,000, the number attending primary schools was 20,883. Now higher education, as they all knew, was still more

backward in Behar than in Bengal. Personally, he was more than doubtful of the wisdom of scheduling any districts, but he submitted to the superior wisdom of the Select Committee; they had examined the evidence more in detail, and he hoped the conclusion to which they had come would prove to be satisfactory. But it should be borne in mind that under section 15 the Lieutenant-Governor had power to extend the elective franchise to any sub-division of a district, and as it was the distinct policy of the Government to give the scheme the fullest chance of success, he had no doubt that the privilege would be extended to every sub-division which was fit to exercise it. He thought that, in scheduling the districts of Patna or Shahabad, there was not at present any assurance that they were not taking a leap in the dark. In the sudder sub-divisions of Arrah and Patna there was some chance of success, and he would be glad to see the Lieutenant-Governor exercise in regard to them the power vested in him by section 15. One consideration ought never to be lost sight of, namely, once a district was scheduled, there would be no power to cancel the order of extension.

The Hon. Mouvie Abdul Jubbar observed that the exclusion of Patna from the Schedule would cause great dissatisfaction in Behar; if any district in that province was fit for the exercise of the franchise, it was the district of Patna. The two sub-divisions of Behar and Barrh were also, he thought, sufficiently advanced.

The Hon. Joy Prokash Lall said that no doubt the sub-division of Bhabuah was not so far advanced as some other sub-divisions. Still he considered the district of Shahabad was more advanced than the districts of the North-Western Provinces or the Punjab, where the principle of Local Self-Government had been so liberally introduced. On the same principle, he thought the elective franchise ought to be extended both to Patna and Shahabad.

The Hon. Mr. Macaulay said he thought some misapprehension existed as regards the amount of liberality bestowed on the North-Western Provinces: there was apparently a great deal of liberality, but although the elective franchise was conferred, the Local Government, instead of selecting the members to act on the Local Board, selected the persons to elect the members of Local Boards. On behalf of the Select Committee, he should prefer that the amendment should be confined to Shahabad, because under the provision of section 15 to which he had already referred, the Lieutenant-Governor could at any time extend the elective franchise to any sub-division which he thought fit. But as regards Patna, the Committee found that when originally the proposals of the Bengal Government were circulated in July 1882, with no limitation in regard to the elective system being introduced in some sub-divisions and not in others, and the district officers were asked to report on the elective system generally, the Commissioner of Patna referred to the opinion of the Magistrate of Patna, namely, that the proposal made by the Sub-divisional Officer of Dinapore, that the panchayets of villages might be allowed to elect the members of the Local Board, might be adopted. The Select Committee came to the conclusion that the provisions made in the Bill for the qualification

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of members would be sufficient to get persons of higher standing than panchayets, and that in the Patna district the experiment of elected Boards might fairly be tried. He would, on the whole, be inclined to move as an amendment upon the amendment that Shahabad only be left out of the Schedule.

His Honor the President said he was bound to explain that the suggestion for this amendment was made at his instance. In preparing the Schedule they were led very much by the fact of the diversified conditions of the districts to which it might be applied, and they were ready immediately to adopt the principle of election in all districts which might be called metropolitan districts, and under this category the Presidency Division and the Patna Division should be included in the Schedule which gave sub-divisions in the districts comprised in those divisions the full powers and privileges conferred by the Bill. And one or two other districts were added to which it was thought they should apply. But the difficulty was as to three particular districts, namely, Khulna, a new district, the sub-divisions of which extended away quite within the Sunderbunds, and in which qualified men would probably not be available; and the other two were the districts of Patna and Shahabad. Accordingly His Honor wrote to the Commissioners of the Presidency and Patna Divisions. Mr. A. Smith, Commissioner of the former Division, had no hesitation in saying that all the sub-divisions in the Khulna district might safely be admitted to the full privileges given by the Bill; but Mr. Halliday, who had for many years been at the head of the Patna Division, wrote so strongly on the point that His Honor would read his reply to the Council. He said:—

"I should strike out both Patna and Shahabad from the third Schedule. I do not understand what reason could have led to the selection of these districts more than any others in the Division. They and other districts can be added at any time to the list in that schedule by a notification under section 11. Behar and Bhabuah sub-divisions (or indeed Sasseram and Barrh also) are not, in my opinion, so manifestly fitted for the privilege of electing two-thirds of the members of Local Boards as to justify our adopting a course which, when once taken, cannot be abandoned. I submit it is by far the best plan to feel our way carefully and to act on experience, instead of assuming facts of which we have had little opportunity of gaining any evidence."

His Honor would therefore take both Patna and Shahabad out of the Schedule. Since that, however, the Council had, at the instance of the Indian Association of Calcutta, made a very important addition to section 15 of the Bill, by which the Lieutenant-Governor would have power to extend all the privileges of the Bill to any sub-division of a district to which the Act might be extended, and he would have no difficulty when once the Act was in operation in dealing liberally with that provision of the Bill. Therefore he thought it would be best to reserve the right to apply the provisions of the Act to such of the sub-divisions of Patna and Shahabad as might be ready for the privilege of election, and not, by including those districts in the Schedule, to force the hands of Government to apply it to all sub-divisions of those districts. On these grounds His Honor's personal vote would be in favour of the amendment of the Hon. Mr. MacDonnell.

The question that Shahábad be omitted from the Schedule having been put, the following votes were recorded :—

Ayes—9.	*Noes*—2.
Hon. Mr. Irving.	Hon. Joy Prokash Lall.
Hon. Moulvie Abdul Jubbar.	Hon. Kumar Baikanto Nath Dé.
Hon. Mr. Garrett.	
Col. the Hon. S. T. Trevor.	
Hon. Mr. MacDonnell.	
Hon. Mr. Macaulay.	
Hon. Mr. Reynolds.	
Hon. the Advocate-General.	
His Honor the President.	

So the motion was carried.

The question that "Patna" be omitted from the Schedule having been put, the following votes were recorded :—

Ayes—4.	*Noes*—7.
Colonel the Hon. S. T. Trevor.	Hon. Mr. Irving.
Hon. Mr. MacDonnell.	Hon. Joy Prokash Lall.
Hon. the Advocate General.	Hon. Kumar Baikanto Nath Dé.
His Honor the President.	Hon. Moulvie Abdul Jubbar.
	Hon. Mr. Garrett.
	Hon. Mr. Macaulay.
	Hon. Mr. Reynolds.

So the motion was negatived.

The Hon. Mr. Macaulay, by leave, postponed the motion that the Bill be passed.

The Council was adjourned to Saturday, the 4th April 1885.

Saturday, 4th April 1885.

Present:

His Honor the Lieutenant-Governor of Bengal, K.C.S.I., *President.*
The Hon. G. C. Paul, C.I.E., *Advocate-General.*
The Hon. H. J. Reynolds.
The Hon. C. P. L. Macaulay.
Colonel the Hon. S. T. Trevor, R.E.
The Hon. C. B. Garrett.
The Hon. Moulvie Abdul Jubbar.
The Hon. Rai Joy Prokash Lall Bahadoor.

REGULATION OF FERRIES.

The Hon. Mr. Macaulay moved that the report of the Select Committee on the Bill to regulate Ferries in Bengal be taken into consideration in order to the settlement of the clauses of the Bill.

The motion was put and agreed to.

The HON. MR. MACAULAY also moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

The HON. MR. MACAULAY moved that the following new section be inserted after section 3 :—

"3A. Nothing in this Act contained shall apply to any ferry deemed or declared to be a municipal ferry under the provisions of the Bengal Municipal Act, 1884."

He explained that it was at first intended that the Bill should apply to all ferries, but, on examination, it was found that the provisions of the Municipal Act were sufficient for all practical purposes, and it was thought better to exclude them from the operation of this Act, than to enact that certain sections of the Bill should apply to municipal ferries and that certain sections should not so apply.

The motion was put and agreed to.

The section was accordingly added to the Bill.

The HON. JOY PRAKASH LALL moved that the following proviso be added to section 13 :—

"Provided that such compensation shall be demanded only in cases where the lessee fails to show sufficient or satisfactory grounds for surrendering his lease."

He said that the reason why he proposed this amendment was that there might be cases in which the lessee was obliged to surrender his lease owing to unavoidable and unforeseen circumstances; such as sudden silting up of the bed and sudden change in the course of the river. Of course in cases of reckless or wanton relinquishments, a demand for compensation should be made; but this amendment, if carried, would exempt an honest lessee from paying compensation when he was prevented from continuing to carry on the contract by acts of God or circumstances over which he had no control.

The HON. MR. MACAULAY said he ventured to think this amendment was not necessary. The section had been inserted in the Bill to meet a very serious difficulty which from time to time occurred where a ferry lessee suddenly relinquished his lease and caused great inconvenience to the Public, as well as loss to the public revenue. It was to be assumed, from the wording of the section, that the Magistrate would always make enquiries, and where the lease was surrendered on honest grounds, there would be no danger of the Magistrate attempting to require compensation from the lessee.

The HON. THE ADVOCATE-GENERAL suggested that the intention of the Hon. Member might be met by the insertion of the word "reasonable" before "compensation;" it was implied that the compensation should be reasonable, but the introduction of the word would act as a safeguard.

The HON. JOY PRAKASH LALL accepted the suggestion and withdrew his motion; and it was then agreed that the word "reasonable" be inserted before "compensation" in line 7 of the section.

The HON. JOY PRAKASH LALL moved that in line 3 of section 15 the words "for crossing a river or stream for hire" be inserted after the word "ferry." He said that it often happened that passengers were taken by boat from one ghât to another on the same side of the river

which was within three miles from the limits of a public ferry; there were also cultivators who lived on one side of the river bank and carried on cultivation on the other side, and for the sake of economy of money and time they kept boats for their use, but not for hire. It was not clear whether the restriction imposed by this section would be applicable to such persons. If it was intended to apply to them, it would cause great hardship to the agricultural classes who cultivated lands in *dearas* or islands.

The HON. MR. MACAULAY said he was unable to accept the amendment. The Select Committee advisedly introduced the word "ferry" in order that the ordinary meaning of the word might be attached to it, namely the idea of crossing the river. The objection which had been taken in Select Committee by the Hon. Kumar Baikanto Nath Dé, as to the case of persons being taken from one ghât to another on the same side of the river, was considered, and the word "ferry" was used because it meant appliances for crossing the river. The words proposed to be inserted would be mere surplusage.

The HON. THE ADVOCATE-GENERAL observed that the introduction of the proposed words would rather introduce a difficulty. He thought the word "ferry" was quite sufficient; it was a word the meaning of which was well known, and meant plying for hire.

The motion was put and negatived.

The HON. JOY PROKASH LALL moved that in line 15 of section 16 the word "twenty" be substituted for "fifteen," and the following words be added to the section:—"If the owner is dissatisfied with the award, the matter shall be referred to the Civil Court for adjudication." He said that the Land Acquisition Act gave fair compensation for land taken for public purposes. The standard of compensation for private ferries in the Bill was too low; and it would only approach to fairness if the amount was raised to twenty times the net annual profit. With regard to the second portion of the amendment, it seemed to him to be only fair that the owner of a private ferry should not be bound by the award which the Magistrate might summarily make of the compensation to be awarded on the resumption of a private ferry. The amendment proposed was based on the same principle as was laid down in the Land Acquisition Act. Private ferries were as valuable and remunerative as landed property, and he did not see why a different principle should be followed in respect of such property from that enunciated in the Land Acquisition Act. He observed that the India Act XVII of 1878 did not provide that in case of disputes the matter should be referred to the Civil Courts for adjudication, possibly because, with the exception of a few districts, the North-Western Provinces were not permanently settled like Bengal; but at the same time that Act provided that the award should be submitted for the consideration of the Local Government. In Bengal, he thought that in cases where the award of a Magistrate was not accepted by the owner, the matter ought to be referred to the Civil Court in the same way as a land acquisition case was referred to such Courts; or, if he was not out of order, he would propose to substitute for the above amendment, that the award should be submitted for the consideration of the Lieutenant-Governor.

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The HON. MR. MACAULAY said the Select Committe had merely reproduced the provisions of the existing Act (Bengal Act I of 1866) in which the amount of compensation was fixed at a sum not exceeding fifteen times the annual profit. When the Hon. Member proposed to alter that limit, it was reasonable that he should have laid before the Council instances in which the limit of compensation had been insufficient. As far as his own experience went, he had no reason to suppose that there was any reasonable ground for increasing the limit. Unless, therefore, the Hon. Member could cite any such instances, he would ask the Council to reject the amendment. Neither could he accept the second amendment. He thought, however, that it would be right to make the wording of this section conform with section 13 by making the award of the Magistrate subject to the approval of the Commissioner of the Division. He thought that in small matters of this kind an appeal should lie to the Commissioner, and not to the Civil Court or to the Lieutenant-Governor. The existing law left the amount of award to the discretion of the Magistrate. But a case had come up about two years ago in which, on a petition from the zemindar concerned, the Lieutenant Governor called for the papers, and after enquiry into the matter, gave a higher award; the Lieutenant-Governor could always in the exercise of his executive power interfere when it was represented to him that any injustice had been done.

HIS HON. THE PRESIDENT observed that he had a strong objection to the amendment. He would deprecate giving any power of interference to the Civil Court unless such a power existed under the present law. Then, again, it was not clear under the proposed amendment who should "refer" the case to the Civil Court, and if it was intended that the owner of the ferry should have a right to appeal to the Civil Court, the form of the amendment would require alteration. But on the principle that the present law up to date had not allowed the Civil Court to interfere, he thought it was too late to allow a form of interference which must lead to complications and delays. With regard to the alternative proposal, that the matter should be left to the disposal of the Lieutenant-Governor, he thought it was very undesirable that the Lieutenant-Governor should be called upon to interfere. Where serious and palpable injury was done and it was brought to the notice of the Lieutenant-Governor by petition or otherwise, it was always in his power, as had been observed by the Hon. Member in charge of the Bill, to call for the papers, and, after enquiry, to decide what steps should be taken in the matter. But that was a very different thing from requiring the Lieutenant-Governor to inquire into the merits of every case. He thought the investigation and security which the Hon. Mover of the amendment desired would be met by placing the power of approval and sanction in the hands of such a high executive authority as the Commissioner of the Division.

The HON. JOY PROKASH LALL'S amendments on section 16 were then severally put and negatived.

The HON. MR. MACAULAY moved that the words "with the approval of the Commissioner" be inserted after "shall" in line 9 of section 16.

The motion was put and agreed to.

The Hon. Joy Prokash Lall moved that sections 21 and 22, which formed Part II of the Bill and related to the regulation of private ferries and the tolls to be charged upon them, be omitted. He said that under the Permanent Settlement several ferries had been permanently settled with the zemindars, along with their estates, under the general denomination of *Julkur*. Over such ferries the zemindars exercised absolute rights. The provisions laid down in these sections would seriously interfere with the exercise of such rights, and the result would be an indirect infringement of the Permanent Settlement, and an unjust interference with the private rights of individuals. The Legislature had hitherto rigidly refrained from interfering with these private ferries, and it seemed to him that it would be impolitic to make any provision in the proposed law which would have the effect of trenching upon the rights of private individuals. He observed that these two sections had been borrowed from the North-West Ferry Act, but it should be borne in mind that, except in a few districts, there was no Permanent Settlement in those Provinces—a circumstance which made all the difference. If these two sections were allowed to remain as they were, the zemindars would inevitably be driven to the necessity of surrendering their rights in favour of Government at any sacrifice. It might be said that it was necessary for the executive authorities to look to the safety of passengers and their property at private ferries, and that it was desirable that the Divisional Commissioner should have the power of making rules for this purpose. But as under section 5 Government had the power of taking possession of a private ferry and declaring it to be public, subject to the payment of a fair compensation (section 16), he saw no necessity for enacting the objectionable provisions contained in Part II.

The Hon. Mr. Macaulay said he thought an objection like this would have been more reasonably urged at an earlier stage of the Bill, because an amendment like this struck at the whole principle of the Bill. If in one part of the Act private ferries could be acquired on payment of compensation, there appeared to him to be no objection to regulate the management of private ferries in the interests of the Public. If, in the interests of the Public, it was necessary to take up private ferries on payment of compensation, it was surely right that the interests of the Public should be protected as regards all private ferries. Section 21 only referred to the regulation of such ferries, not to the right of property in them.

The Hon. Joy Prokash Lall repeated that there was a great difference between the Lower Provinces of Bengal and the North-Western Provinces, because in the latter there was no Permanent Settlement except in a very few districts. By Regulation VI of 1819, section 13, it was provided that "the foregoing rules are intended to apply exclusively to those ferries which may be declared to be public ferries. With regard to all other ferries, the Magistrates and Joint-Magistrates shall not interfere with them further than may be necessary for the general maintenance of the police, and for the safety of passengers and property." He did not so much object to the provisions of section 21 of the Bill as to section 22, which provided that "the tolls charged at private ferries should not exceed the highest rates for the time being fixed, under section 17, for

similar public ferries." This would interfere with the profits derived from such ferries. He thought that, if the Government was dissatisfied with the rates of toll charged on any private ferry, they might declare it to be a public ferry on payment of reasonable compensation, to which the owners would not object.

The HON. MR. MACAULAY said he was prepared to accept the proposal to omit section 22 of the Bill, if the Hon. Member was willing to withdraw his motion to strike out section 21.

The HON. JOY PROKASH LALL then, by leave, withdrew his motion to strike out section 21, and the motion to omit section 22 was put and agreed to.

The section was accordingly omitted from the Bill.

The HON. JOY PROKASH LALL moved that the words "and any person in possession of a private ferry" after the words "as aforesaid" in line 2 of section 24 be omitted.

The motion was put and agreed to.

The HON. JOY PROKASH LALL moved that the words "within a reasonable time, to be fixed in a notice served on him by the Magistrate," be inserted after the words "such tolls" in line 5 of section 26. It seemed to him that it would be very hard to subject the lessee to the penalty of cancelment of his lease on his mere default to pay an instalment of his rent. It would be fair to subject him to this penalty in the event of his failing to pay an instalment after a notice from the Magistrate.

The HON. MR. MACAULAY said the object of the section was to do away with a great administrative difficulty which had been felt owing to the continual surrendering of leases on default in payment of rent. The Magistrate on giving a lease fixed the times of payment, and MR. MACAULAY did not see the necessity for requiring the Magistrate to fix another time by notice served on the lessee; it would only have the effect of giving further time to the injury of the public revenue.

The motion was put and negatived.

The HON. JOY PROKASH LALL moved that the words "the Magistrate or Police" be substituted for the words "the toll collector or lessee of the tolls of such ferry, or any of his assistants" in section 30. He said that this section vested the toll collector or lessee of a ferry and his assistants with the power of seizing and detaining any vessel, raft or timber, which might happen to pass or anchor at or near a public ferry, whenever the lessee or his men might find that the owner of such vessels or rafts were guilty of rash and negligent navigation. This seemed to be a very large power, and one which was likely to be abused by unscrupulous ferry farmers. It would afford them an opportunity of obstructing private navigation and of levying black-mail from the owners of such vessels or rafts. He did not think it would be prudent or safe to entrust the toll collectors with this power. He would therefore substitute the words "Magistrate or Police" for the words "toll collector or lessee, &c."

If this amendment did not meet with the approval of the Council, he would suggest that the power which this section conferred on the lessee in respect of the seizure and detention of vessels should be exercised only in the

event of a police officer not being available; in which case the lessee might be authorized to detain vessels for a limited time, say six hours, in order to enable the lessee to procure the assistance of a police officer.

The HON. MR. MACAULAY said he objected to this amendment entirely, and he thought the grounds alleged in its support were erroneous. The Hon. Member must be aware that if the toll collector or the lessee committed an act of injustice, by unlawfully detaining property pending investigation into the charges made, he would be liable to an action for damages. It seemed to him that the alternative amendment proposed recognised the necessity for the section, inasmuch as there must be some power for the seizure and detention of property in such cases. He did not think that a period of six hours would in all cases be sufficient for obtaining the services of a police officer; if such an amendment was accepted, he thought the period should be enlarged. But he considered the proposed alternative amendment unnecessary.

The HON. JOY PROKASH LALL urged that some such provision was necessary, because the inquiry and assessment of damages provided for under section 32 might occupy many days, and during the whole of that time the valuable property seized would remain in the hands of the toll collector. He had no objection to the property remaining in the responsible custody of the Police.

After some conversation, the HON. JOY PROKASH LALL withdrew the amendment of which he had given notice, and moved in lieu thereof that the following proviso be added to section 32:

"Provided that on security being given to the satisfaction of the Magistrate, such seizure shall be withdrawn."

HIS HONOR THE PRESIDENT remarked that it was very inconvenient to discuss alternative amendments of this kind, of which notice had not been given. The Hon. Member should have placed it on record that, in the event of his first amendment not being carried, some form of words should be adopted as an alternative.

The HON. JOY PROKASH LALL'S revised amendment was then put and negatived.

The HON. JOY PROKASH LALL moved that the following words be inserted after the first paragraph of section 32:—"The whole or any portion of the damages so assessed may be paid to the lessee by the Magistrate or Bench of Magistrates." He said that it seemed to him fair that, when a lessee sustained any damage or loss in consequence of rash or negligent navigation, he should receive the whole or a portion of the damages which might be assessed by the Magistrate. He would therefore propose to give the Magistrate a discretionary power on this point.

The HON. MR. MACAULAY said he could not recommend the Council to accept this amendment. The amendment amounted to this, that the Magistrate was to advance the amount of the assessed damages from the public funds, and, on behalf of the Government, he strongly objected to the public funds being so dealt with. The lessee must take his chance of getting what might be recovered from the person in fault.

The motion was put and negatived.

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The HON. JOY PROKASH LALL moved that in line 7 of section 33 the words "either retain the same permanently on payment of a fair price to the proprietor or" after the word "may," be omitted, and that the words "paying such compensation for the use thereof as the Lieutenant-Governor may in each case direct" be inserted after the word "them" in line 9 of the same section. He said that it would be very hard to retain the vessel and other appliances permanently, if the owner did not like to part with his property. The Act of the Government of India did not contain such a provision, but at the same time it had a provision that payment of compensation for the use of the vessel and other appliances should be given as the Lieutenant-Governor might direct.

The HON. MR. MACAULAY said that there was a certain amount of plausibility in this amendment, and at first sight he was inclined to consider it favourably. His Hon. friend, Colonel Trevor, had, however, informed him that it was a well-known fact that in all contracts for the execution of public works, on the surrender of the contract, the person in possession was at liberty to take over all the contractor's plant at a fair value. Therefore, in providing that on the lessee of a ferry failing to conclude his lease, the Magistrate, or the District Board when the management of ferries was made over to those bodies under section 35, might take possession of all boats and other appliances which had been used by the lessee in the working of the ferry, the Council was only following the ordinary practice in contracts made by the Public Works Department.

The HON. MR. REYNOLDS said it seemed to him that the amendment would work very often to the disadvantage of the proprietor. Under the proposed amendment, it would be absolutely illegal for the Magistrate to take over the boats and appliances, even if the proprietor was willing to sell them. In the majority of cases the proprietor would no doubt be willing to sell them at a fair price, but the Hon. Member would make it absolutely illegal for him to do so.

The motion was put and negatived.

The HON. MR. MACAULAY then moved that the Bill as amended be passed.

The motion was put and agreed to.

The Bill was passed accordingly.

LOCAL SELF-GOVERNMENT.

The HON. MR. MACAULAY said that before moving that the Bill to extend the system of Local Self-Government be passed, he had one or two amendments of a formal character to propose. His first amendment was that the words "such Chairman as aforesaid" be substituted for the words "a Chairman" in line 1, paragraph 2, of section 25. This amendment was proposed on the advice of his Hon. friend the Advocate-General to prevent any ambiguity in regard to the necessity for a Local Board always electing a Chairman.

The motion was put and agreed to.

The HON MR. MACAULAY also moved that in clause (2) of section 52, the words "or the Bengal Ferries Act, 1885" be omitted. He explained that, in the Bill which had just been passed, it was provided that the Lieutenant-Governor might make over *any* public ferry to a District Board, and all or any part of the proceeds of such ferry, and all or any part of the fines levied

and compensation received under that Act in respect thereof. But the words used in section 52 of the Local Self-Government Bill assumed that *all* ferries would be made over to the District Board. Therefore the Bill just passed required the omission of the words which he now proposed to strike out from this section; otherwise there might be a conflict between the two laws.

The motion was put and agreed to.

The HON. MR. MACAULAY then moved that the Bill to provide for the extension of Local Self-Government in Bengal be passed. In doing so, he explained that, since the last meeting of the Council, two memorials which had been addressed to His Honor the Lieutenant-Governor had been printed and circulated to the Members of this Council—one from the Parjoar Association in Dacca, and the other from the Tripura Hitashadini Shabha of Tipperah. These memorials really referred to the Bill as it was laid before the Public by the Select Committee, in which it was provided that districts not included in the third Schedule should be excluded from the establishment of Local Boards in the sub-divisions of those districts. His Honor the President had since explained to the Council that at the instance of the Indian Association of Calcutta he decided to introduce an amendment in section 15 of the Bill, which would give the Lieutenant-Governor power at any time to admit any sub-division to the privileges given to the districts included in the Schedule, although the district in which the sub-division was contained was not included in the Schedule. A deputation of gentlemen from Burrisal having been admitted to an audience with the Lieutenant-Governor, had expressed themselves satisfied with the power which had thus been entrusted to the Government, and Mr. Macaulay had no doubt that the gentlemen connected with the memorial from Tipperah would be equally satisfied.

HIS HONOR the PRESIDENT said :—Before putting the motion that this Bill be passed, I should like to say a few words with reference to the long consideration which we have given to these measures. They have been under the consideration of the Government now for something like three years, and they have been before the Council for nearly two years. I have taken the opportunity, upon a previous occasion, to explain to the Council the circumstances which have led to the delay in the passing of this Bill. The delay can, in no sense, be attributed to any indifference or apathy on the part of the Local Government or of the Government of India, but to circumstances connected with the long correspondence with the Secretary of State before the Bill came up for discussion before this Council. I should also think it matter for congratulation that it has not devolved upon us as an Executive Government to have to deal within the same year with two such large measures of reform as those which are included in the new Bengal Municipalities Act and the present measure, which is soon to become law, the Bill connected with Local Self-Government. The Act which relates to the administration of Municipalities was passed about this time last year, and it has occupied the whole attention of the Government during the nine months which followed to arrange for all the

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details connected with elections and other things which were involved in the Act, so that it was only in the commencement of the present year that we could say that the Act relating to Municipalities was actually in operation. We are glad to be able to note that, in the introduction of that Act, we have every reason to congratulate ourselves on its absolute success. So far as there were doubts in relation to questions connected with the elections or other details involved in the Bill, the results of these elections throughout the country satisfy us that we were right in our view that the people would accept the measure with satisfaction, and that they would act up to the privileges which were given to them in a right and proper spirit.

We have now come to a much larger measure—a measure which deals with the internal administration of the country in various aspects. I know that there are several persons who still hold the opinion that our action is premature in this respect, and that it would have been wiser in a country like India to retain for a much longer time the system of direct and personal government. For myself, I must say that I have always held, consistently I think, that the time has come when, having regard to the education, culture, and experience which we have now given to the people in the administration of public affairs, we should take measures to secure their co-operation, to some extent in district administration, and that there are no risks whatever in our doing so in the direction which our Bill has taken. If I have differed from those who think that the Bill does not go far enough, I do so on the grounds, which satisfy myself at least, that we are dealing with a new principle of administration, and not only so, but that we are dealing with men who are untried, and who are new to the application of those principles. And therefore, if you desire success, the best course in my judgment to secure that success is to advance tentatively and cautiously in the application of a measure like this. The Council are aware that we have extended the full privileges of the Bill to some sixteen districts of this large province of Bengal, and they will note, having regard to the names of those districts, that they apply chiefly to what I may call the metropolitan districts of the province, where we have good grounds for accepting the conclusion that education has done its work, and that we have a people ready to assume the powers and to discharge the duties which the Bill will place in their hands, and to that extent we have given the full privileges of the law to them. I have not thought it wise to go further, but it will be obvious to every one that, while we restrict by law the full privileges of the Bill to a certain limited number of districts, we do not thereby exclude from ourselves in our executive capacity the right to extend those privileges to sub-divisions and places to which, after conference with the local authorities and after taking local opinions and advice, we may think it justifiable to extend them. I think, therefore, that the Bill proceeds on a sound, practical, and safe basis. For the rest it remains for the people of the country themselves to show whether the limited concessions as to the area of the operation of the Bill shall be widened. The Bill is one of large potentialities, and has possibilities of great development; and while I for myself have no fear of the result, I am bound

from my position to give this caution and warning to those to whom these powers are to be entrusted, that it is mainly to them we must look, and that they themselves are mainly responsible as to whether a measure of this character is to be generally extended throughout the country, and its full advantages secured in all parts of the province. There are provisions which refer to control, and I think it is the opinion of every one that, in introducing a new principle of administration, there should be restrictions of some kind. For myself, I hope that it may never be necessary to bring the provisions of that Chapter of the Bill into operation. But in a new and tentative scheme it is certainly desirable to secure that the district officers and the Commissioners of Divisions, and eventually the Government, should have in their hands the power to stay what might be dangerous, to urge on where there is apathy and indifference, and generally to take such action as will secure the right application and working of a measure of this kind. I commit it therefore to the country in the satisfaction that we have done our duty, both as Members of this Council and as Members of the Executive Government, but I look to the people to show, by their own diligence and intelligence and loyal fulfilment of the provisions of the law, that they are deserving of the privileges which we confer upon them, and that its extension to many other districts can be justified.

The motion was put and agreed to.

The Bill was passed accordingly.

The Council was adjourned *sine die.*

[*This leaf to be cancelled on the issue of Part II.*]

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BENGAL LEGISLATURE
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The Hon. Mr Dampier said:—It has been agreed that the amendment which stands in my name shall be put to-day and discussed to some extent, particularly with the object of gathering further information and bringing all classes of thought to bear upon it. It has been suggested that I should state the position of the question. I wish it to be understood that I am now speaking of those Municipalities in which the rating according to the value of the property is in force, the rate being payable by the owner. My amendment applies to all holdings of a certain value, for whatever purpose occupied, whether as domestic holdings or otherwise—whether the property of the Government or the property of a firm or of individuals.

Now, under the present Act, a holding is to be assessed at its probable letting value. The value of buildings standing on land, and machinery within those buildings, is included in the valuation on which the assessment is made. In the progress of this Bill objections were made to the inclusion of machinery in the valuation, and as the Bill now stands machinery is to be excluded.

Next, the objection was made that in the case of every large building erected for special purposes, be it for a gun foundry belonging to Government or for a jute or cotton manufactory, or large *golahs*, such buildings have absolutely no letting value, and therefore to say that they should be assessed upon their letting value is only a specious way of getting rid of the difficulty of saying plainly that they should be assessed at the absolute discretion of the Municipal Commissioners. Then an attempt was made to meet this objection by a limit on the rate to be imposed upon the buildings, and the effect of the limiting proviso as it now stands in the Bill is this.—The Municipal Commissioners will primarily assess the holding, including the buildings, but excluding the machinery, at what they may choose to call the annual letting value. If no one is dissatisfied, well and good. But that assessment may be challenged by the person who will be liable for the rate in this way:—He may call upon the Commissioners to apply the maximum, which is 7½ per cent. on the original cost of construction of the buildings. The land on which they stand will always be liable to assessment in addition to this. That is the Bill as it now stands before the Council.

Then, the further objection was made by a special class. They said that "even with the maximum calculated on the cost of construction of the buildings there will be no guarantee against our premises being assessed at amounts which will be altogether disproportionate, taking a general view of the objects of municipal taxation and of the benefits which we, as the owners of these holdings, receive from municipal arrangements." The Hon. Member, Mr. Alexander, therefore moved his amendment in favour of the special objectors.

As it appeared that the Council was against legislation for a special class, and against any absolute maximum, after some informal discussion I suggested what appeared to me might eventually bridge over the difficulty between the

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Council generally and those who held Mr. Alexander's views. It seemed to me that, generally speaking, after the value of the buildings had reached a certain amount, it would be reasonable that the percentage of assessment upon the excess value should be less than the ordinary original percentage of assessment upon property throughout the Municipality. The consideration of this suggestion was put aside for one or two meetings, the object being to see how the application of such a principle would affect the circumstances and incomes of particular Municipalities. During the last week I have been trying to collect these statistics, and I have got now a number of figures, but it has been impossible to complete the information in such a way as to enable me to lay it before the Council, except in the case of four manufactories or mills only. I have asked the owners of property, and I have consulted the Magistrates of the 24-Pergunnahs and of Howrah for information. The information is in a forward state, but something is generally missing as regards each item which prevents my shewing what the effect would be. In four instances only have I been able to bring it out. A certain manufactory in Howrah, which now pays Rs. 2,335 a year of house-rate assessment, including the value of buildings and ground, would have to pay for its buildings annually, if calculated under the amendment which now stands in my name, Rs. 1,051 a year, and the assessment on the land would be in addition to this.

In the Suburbs one manufactory, paying Rs. 1,575, including the assessment upon land, would, under the maximum, have to pay Rs. 1,106, besides assessment upon land. Another one pays Rs. 1,725, and it would have to pay Rs. 984.

One, in Serampore, which is prominent in advancing these objections and calling for a limit, has to pay Rs. 1,007, and would be liable under the working of my maximum even to about Rs. 1,102 in addition to the assessment of the value of the land on which the buildings stand.

Another question, as affecting the income of some Municipalities, is to ascertain how this or any other maximum would apply to the case of Government buildings, which contribute very large amounts to municipal income.

If the Council would be pleased to put off the discussion, I hope next Saturday to lay before them a statement which will give particulars as regards a good number of buildings—whether they belong to Government or to private individuals. With these remarks I beg formally to move the amendment which stands in my name for discussion :—

" *Section* 100.—After the first Proviso of this section, add the following :—

" And, further, that where the actual cost so ascertained or estimated shall exceed the sum of one lakh of rupees, the percentage to be levied on the excess shall not exceed one-fourth of the percentage determined by the Commissioners under section 101." .

* NOTE.—" The following tables will shew the effect of the above amendment :—

I.—Table shewing the maximum rates that can be levied under the Proviso to section 100 as it stands :—

Cost of building.	Annual value at 7½ per cent. on cost.	Amount of rate at a percentage of—		
		4	6	7½
Rs	Rs.	Rs.	Rs.	Rs.
1,00,000	7,500	300	450	562
2,00,000	15,000	600	900	1,125
3,00,000	22,500	900	1,350	1,687
4,00,000	30,000	1,200	1,800	2,250
5,00,000	37,500	1,500	2,250	2,812
10,00,000	75,000	3,000	4,500	5,624

II.—Table shewing the maximum rates that could be levied under the Proviso to section 100 as proposed to be amended, *i.e.* on the principle that the full rate shall be levied on buildings the cost of which does not exceed Rs. 1,00,000, and a quarter rate on the excess above that sum :—

Cost of building*	Annual value at 7½ per cent. on cost	Excess annual value over Rs. 7,500 (at 7½ per cent. on Rs. 1,00,000)	Amount of rate at a percentage of—								
			4			6			7½		
			Full rate up to a lakh.	Quarter rate on excess.	Total.	Full rate up to a lakh	Quarter rate on excess	Total.	Full rate up to a lakh	Quarter rate on excess.	Total
Rs	Rs	Rs.	Rs	Rs	Rs	Rs.	Rs.	Rs	Rs	Rs.	Rs
1,00,000 .	7,500		300		300	450		450	562		562
2,00,000 .	15,000	7,500	300	75	375	450	112	562	562	140	702
3,00,000	22,500	15,000	300	150	450	450	225	675	562	281	843
4,00,000 .	30,000	22,500	300	225	525	450	337	787	562	422	984
5,00,000	37,500	30,000	300	300	600	450	450	900	562	562	1,124
10,00,000	75,000	67,500	300	675	975	450	1,012	1,562	562	1,265	1,827

N.B.—The rate on the *land* will have to be added to the above, which is only the rate on the *buildings*."

The HON. MR. BEVERLEY said :—Sir,—My Hon. friend has given the recent history of this amendment in the Council, but I should like to carry the Council back a little further in its history with the view of showing the necessity of some such amendment as he has proposed. My Hon. friend has already pointed out that in the existing Act there is no such proviso as is found in the Bill before the Council. Section 92 of the present Act simply contains the first clause of section 100 of the Bill, and under that section the gross annual rent at which any holding may be reasonably expected to let is to be taken as the annual value thereof. With reference to that section a memorial was presented to the Council by Mr. Birkmyre. I was not a Member of the Council at

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* This note was annexed to the amendment when circulated to the Members of Council.

that time, but I believe I am correct in saying that it was that memorial which led to the proviso being annexed to this section. In that memorial, Mr. Birkmyre states that mills at home are assessed at considerably lower rates than householders or other domestic rate-payers, and he gives certain other reasons why some consideration should be granted in such cases. The Select Committee in their preliminary report said :—"Under Part IV we have considered whether the amount assessed when a rate is levied on the annual value of holdings should be subject to any maximum in the manner provided when a tax is levied upon persons. We have made some enquiries on this point, and have ascertained that while any such limitation would be operative in only a very few Municipalities, it would in those Municipalities have a very injurious effect. At the same time our attention has been called to cases in which the annual value of holdings has been determined in what seems a very arbitrary manner, and we are of opinion that some rule should be laid down for the guidance of municipal authorities in making valuations. We have therefore inserted words to provide—*1st*, that the value of machinery shall not be included (a provision which also finds place in the Calcutta Municipal Act), *2ndly*, that where the cost of erecting the buildings can be ascertained or estimated, the valuation shall not exceed 7½ per cent. on such cost, together with a reasonable amount on account of ground-rent." When the amended Bill was published with this proviso, a memorial was presented by Messrs. Mackinnon, Mackenzie and Company, complaining of the proviso, and pointing out that it placed them in an infinitely worse position than under the existing law. In their memorial (paper No. 81) they say that under this proviso they would have to pay about four times the amount of taxation that they are paying now under the present law. That memorial was made use of at a recent debate by the Hon. Member opposite (Mr. Macaulay) to show that Municipalities were not at present levying the full rate of assessment that they were entitled to levy. That is not quite a correct representation of the argument; because, what is referred to in the memorial is not what Municipalities may levy under the existing law, but what they may levy under the new proviso to section 100 of this Bill. I shall refer to this argument again in support of what my Hon. friend (Mr. Dampier) and I have adopted as the basis of our amendment, namely, that above a certain limit one-fourth only of the full rate should be assessed, when the tax would be much the same as at present, or perhaps something more.

I think, then, Sir, that this memorial shows—and Hon. Members may easily work it out for themselves—that the effect of the proviso as it stands will really enable Municipal Commissioners to impose a very much higher rate than they can under the existing law. Under it the last state of the Memorialists will be worse than the first. It therefore seems to me that some maximum is necessary to qualify the proviso, supposing that the Council think it necessary and desirable to retain the proviso at all. It may be said that the proviso merely lays down a maximum in certain cases, and that it is not necessary to act up to it in every case, but it seems to me that it will in practice become the rule, and when the difficulty is considered of estimating what the gross annual

letting value may be, an assessment on the value of the buildings and the land will be held to be the simplest way of getting out of the difficulty, and moreover a way that has been distinctly pointed out by this Council.

Now, there are strong arguments in favour of the amendment now before the Council. In the first place it seems to me that there is an essential difference between buildings used as residences and those which are occupied for purposes of trade. To tax the buildings used for industrial purposes is virtually to tax the industry itself. Beyond a certain point, such a tax becomes a tax on profits no less than if it were levied on the machinery. In the memorial I have already referred to, Mr. Birkmyre states that at home mills are assessed at considerably less rates than house-holders or domestic rate-payers. I have made enquiries on the point, and cannot find any authority for that statement as regards England. But I find that in Scotland a classification of the rates is in force according to the nature of the occupation. Residential occupancies may be charged at a high rate, whilst occupancies for the purpose of farming, business or manufacture, may be charged at a comparatively low rate. Thus I find from the evidence of Mr. F. J Cochran before the Select Committee of the House of Commons on Local Taxation, 1870, the following rules are laid down for the classification of lands in Old Machar—a parish containing nearly half the city of Aberdeen and five or six miles of farms outside it :—" The lands and heritages in the parish of Old Machar shall, for the purposes of the assessment on the tenants or occupants, be distinguished into three separate classes ; the first class consisting of dwelling houses, and all other lands and heritages except those mentioned in the second and third classes ; the second consisting of shops, warehouses, and stables used solely in the occupier's trade or business, business offices, spinning mills, manufactories, brick-works, quarries, water-powers and railways, gas-pipes, water-pipes and ground used for such pipes ; and the third class consisting of farms, cultivated grounds, and fishings ; and that the rates of assessment upon the tenants or occupants as such shall be so fixed as that the rate upon those of the second of the said classes shall be as nearly as possible one-half, and the rate upon those of the third class as nearly as possible one-fourth part respectively of the rate upon those of the first class." Thus the Council will not be legislating without precedent if it agrees to this amendment.

But we may look at the question from another point of view. The sole object of the proviso is to get at the real letting value of the premises—the gross annual rent at which the premises may reasonably be expected to let. That letting value has been assumed in the proviso to be represented by 7½ per cent. on the cost. I think Hon. Members will bear me out that this may represent a very fair return for house property in Calcutta ; but to lay it down as a fair return for the whole of Bengal seems to me to be legislating somewhat in the dark. Beyond a certain point this general rate will not apply. Large mansions and palaces cannot be expected to bring the same return as a reasonable house of moderate size. Tenants have to take into consideration the expense of keep-

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ing up a large house. Some of us know of many large places which are lying vacant because they cannot find tenants rich enough to keep them up. The same argument applies to large offices and large godowns. The letting value of a building depends upon the demand for such buildings, and where there is no demand there can be no letting value. Buildings are often adapted for particular purposes, and it is not every one who has the capital or the enterprise to use them for the particular purposes for which they are adapted, and if let as buildings for general purposes they cannot be so valuable as for that particular purpose. I think it may be said that beyond a certain limit buildings alone, independent of the purpose for which they have been erected, cannot be assumed ordinarily to yield a return of 7½ per cent. The amendment takes one lakh of rupees as that limit, which seems reasonable enough, that being a high estimate of the cost of ordinary residences of gentlemen in Calcutta. Beyond that it is proposed that the rate shall be levied at one-fourth only, and the reason for taking that proportion is, as I pointed out before, that Messrs. Mackinnon, Mackenzie and Co. have shown that, under the proviso as it stands, they will have to pay about four times as much as at present. It seems to me, therefore, that up to a lakh of rupees the full rate may be paid, but beyond that limit the rate should be levied at one-fourth, which would yield about the same amount as is levied at present. I shall therefore support the amendment.

The Hon. Harbans Sahai said:—I beg most respectfully to oppose the amendment. Municipal rates press more hardly on poor persons than on the rich. Hitherto, as far as I have been able to study the law, one uniform form of assessment by way of a percentage on the letting value or the cost of a building has been all along adopted: there has been no varying percentage as is now proposed. The amendment, it appears to me, will virtually benefit rich owners of manufactories or other very costly buildings. I am also afraid that, under the proposed amendment, some Municipalities may lose very large sums, and I am equally afraid that they may try to make up their losses by imposing additional taxation on the poor, and that is a result which I believe no Member of this Council will desire. As far as I have been able to hear and to see in the memorials before the Council, no strong case has been made out for proposing any amendment in the existing law. It has not been shewn that any real injustice has been done to mill owners or the owners of other large buildings, or that any kind of damage has resulted to either. Under these circumstances, I urge for the consideration of the Council that we are rather unnecessarily interfering with the existing law, which, as far as we are aware, has been working smoothly and satisfactorily. The tables which have been prepared by the Hon. Mover of the amendment shew that, in the case of a building which has cost ten lakhs in its construction, as the law at present stands, or according to the present Bill, the owner may be liable to pay Rs 5,624, whilst under the proposed amendment he will only have to pay Rs. 1,827. Of course the rate on the land will have to be added,

and what that may amount to I am not in a position to say, as no facts or figures have been given. There is no certainty therefore that any relief will be practically afforded to the owners of large buildings, and therefore, even in their interest there is no necessity to interfere with the law. If the owners can afford to spend so much money in the construction of buildings, they could equally afford to pay a fair rate of tax upon them. If, on the contrary, it is said that the case of mill and other owners would be rather worse than better, I will equally raise my voice against the amendment. Under all the circumstances I think it will be better to leave the law alone, there being no necessity to vary the rate of assessment in respect of any class of holdings.

The Hon. Mr. Miller said:—I wish to trouble the Council with but few remarks to-day, as I think it wise, as we are promised further information, that we should abstain from making any comment at any great length, until we have all the facts and figures before us which we are promised. I feel rather at a disadvantage as this is the first time that I have had the honour of sitting here and have not of course had the opportunity of hearing the various discussions which have taken place on this provision and the other parts of the Bill which may have a bearing upon it. But I thought it right to put myself in communication with the special class who think that they are likely to be injured by the special provisions of this Bill now under discussion; and although I can in no way say that I represent this class, yet in a certain degree they have my sympathy, because it also is in accordance with my judgment, when they complain that they are rather unjustly treated by this provision of the Bill. We are, in legislating in this direction, contravening the canons of taxation which prevail at home, and which have to-day received illustration from my Hon. friend to the left (Mr. Beverley). The proposition is laid down by Stuart Mill in unqualified terms that all buildings used exclusively for business purposes ought to be exempted from taxation, *quâ* industrial holdings; in other words, that they ought to be treated as occupancy holdings, and merely assessed on the rental they would pay if they were let as occupancy tenements. Now, some of those gentlemen who have communicated with me in regard to this question have pointed out very emphatically the grievance that, in calculating the cost of the buildings which have been erected, depreciation is not taken into account. We are all acquainted with the famous Berhampore barracks which cost thirty lakhs in construction. The present value, I take it, would be under two lakhs. These barracks, or a large portion of them, at one time, I believe, were purchased by a private individual, and their present value would not be now two lakhs. Now, supposing the Municipality were to assess the rate on these buildings at the cost of construction, I need hardly say what an injurious and oppressive rate that would be. The Hon. Member to my right has pointed out that Municipalities would probably lose a large income simply because, if the Hon. Member's amendment was carried, Government assessments would be

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very much curtailed. All I can say is that, that appears to me one of the strongest arguments for supporting the amendment. It does appear to me that no Municipality ought to be privileged to levy black-mail, as it were, upon the general tax-payers for special purposes of local taxation. But if the statement is correct a very manifest injustice is perpetrated, and it is clear that Municipalities must look for their revenues elsewhere. We have seen certain papers circulated by the mill-owners and agents representing important commercial industries. It has been pointed out that no objection has been made to paying fair rates equally and equitably levied; but a very strong objection is expressed to the proposal to tax heavily, unduly, and unequally, mills and other industrial holdings. It is complained that the industries derive little or no advatange from municipal administration. It is shewn by figures that in certain Municipalities, if rates are to be levied on the scale provided in the Bill, two or three mills will be liable to pay half the revenue. That, surely, will not be fair and just to them. The present is a time of depression. Most of these industries are pulling a labouring oar. If now they are to be handed over in this arbitrary manner to a liability to arbitrary and exorbitant taxation—because it must be remembered that this Bill provides for no appeal, and that we are deprived here of the safeguards which prevail in England against the abuse of the powers of local taxation—then in that case the working of the Bill might be attended with very great injustice. There is no tax-paying community in England which does not possess the right to appeal outside the rating authority. Here we have nothing of that sort. It is a presumption in legislation that if you give arbitrary power you ought to presume that it may be exercised in an arbitrary manner, and therefore it should be fenced round with legal precautions. Nobody can for a moment doubt the enormous advantages which have accrued to the country from the fact of the establishment of these industries. In one of these memorials it was pointed out that upwards of four crores have been invested in these industries, and that they give employment to more than 100,000 men. There is another consideration which I hope will induce the Council to pause before accepting the present principle of rating proposed, and that is that there is no doubt at the present time a feeling of soreness in mercantile circles that these industries are to be made a sort of scapegoat for the working of this municipal scheme. That feeling may be unfounded; but in the interests of the Municipalities I would ask the Council to remember that when the various Municipalities ask for money loans, it is to the European money market they will have to go, and if these disturbing elements are introduced, the friction indeed might be calculated to wreck the success of the Bill.

The Hon. Chunder Madhub Ghose said :—If I was satisfied in my own mind that the amendment proposed to be made would not have the effect of lowering the amount of revenue now obtained in the Municipalities under the Government of Bengal, I should have no hesitation in voting for it. But we

have not got proper figures and facts before us, and I do not think it would be at all wise to determine the value of the amendment before the Council without having more materials before us than there are at present. Perhaps the Hon. Harbans Sahai was labouring under a mistake when he assumed that the result would be to considerably lower the amount of revenue that was now obtained. The figures which are to be found in the notice paper of the amendment of the Hon. Mr. Dampier show in the two tables, first, what would be the maximum amount of rate which might be obtained under the Bill as it stands, and, secondly, what would be the result if the amendment were to be carried out. The figures which are now supplied show to some extent certainly that the amount of revenue might be lower if the amendment was carried, but as the Hon. Member states that he has not been able to obtain all the materials and lay them before the Council, I would beg the Council to guard itself against an amendment the result of which might be to lower the amount of revenue from what is now derived by any one Municipality under the Government of Bengal. In the Suburbs and other places there are large mills and factories which pay very large amounts, and if the result of this amendment will be to curtail those payments, I should fail in my duty if I did not oppose its passing. I would therefore suggest that the proper figures and facts be given.

The HON. BOYKANTONATH DE said:—Although the amendment now proposed appears more general in its application, I have still doubts as to the propriety of such an amendment. It has been urged by an Hon. Member that a certain Government godown not far away from this place has been assessed by a certain Municipality at Rs. 15,365 a year. It is to be assumed that the assessment was made at the full rate on the entire value of the holding, and that no objection was ever made to such an assessment. It has also been urged that practically the assessment on jute mills never exceeded Rs. 1,000 or so, although they could be legally assessed at over Rs. 4,000. Am I to understand from such assertions that jute mills had hitherto been underassessed by the Commissioners? If this be so, it does not speak very well of such Commissioners, who, in the case of a public holding, made an exorbitant taxation, while in the case of jute mills they made a nominal assessment only. I really do not understand the principle of taxation followed by such Commissioners. I don't see how a course, apparently unjustifiable in itself, can furnish justification to a measure equally objectionable. The present law, which is applicable alike to public buildings and manufacturing establishments, ought to be enforced equally in both the cases. When the absence of a limit of assessment in the case of higher value has had no effect in preventing under-assessment, the laying down of a limit would on the contrary give rise to a greater chance of under-assessment. The result of such a measure would, at the outset, be a tremendous falling off in the income of a Municipality, and an increase in the long run of taxation of the very classes who are least able to bear it. Under the circumstances, I regret I cannot give my assent to such an amendment.

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The HON. THE ADVOCATE-GENERAL said:—I am extremely glad that this discussion has taken the turn which it has. I am extremely glad that it was postponed in order that the subject of the present discussion may be put on the footing of a definite principle. Some days ago I pointed out that manufactories in this country were a young and growing industry, and if they were subjected to a heavy burden of taxation such a step was calculated to hamper the efforts that are being made in the direction of improvement, and retard the prosperity of the country. I put it to Hon. Members as a simple elementary proposition in political economy, but I did not get any reply. I have not sufficient time at my disposal to look into authorities, and we ought to be extremely obliged to the Hon. Mr. Beverley, who has put the matter on a sound footing, as well as to other Hon. Members who have addressed the Council. I certainly thought that the discussion of this matter, which is primarily a commercial one, should have been proceeded with on the question of principle; and I think that the arguments which were on a former occasion put forward that hitherto no injustice had been done, or that this is class legislation, are wholly irrelevant. We have to consider whether we shall make a law which is just and righteous in principle, or whether we shall enact something which is based on no principle at all; and I deny that the subject on which we are called upon to legislate, viz. to deal with the particular subject of mills and manufactories, can at all be regarded as class legislation. It is not because it so happens that Europeans are the owners of mills, or the Government happens to be the owner of manufactories and workshops, that any legislation in regard to them must be class legislation. If native gentlemen of wealth and enterprise should embark in undertakings of this description, the legislation will equally apply to them. I therefore fail to see that the argument of class legislation has any force, and trust we shall hear no more of it. The Council is called upon to pass a law which is just and righteous; to take the whole matter into consideration; and to base their action on some recognised, intelligent, and civilised principle, and they ought not to be thwarted in their good work by the assertion that nobody has complained of injustice. The fact is that at times no complaint of injustice is known to the Council, but it does not follow that nobody has complained. We are now giving Municipalities larger powers than they have hitherto possessed, and the fact that past experience has not shewn many blots in the conduct of existing Municipalities is no sufficient reason for supposing that in future powers conferred will be properly exercised by members of a new system which is about to be introduced, as it appears to me, as an experimental measure. The question is not whether any injustice has been done, but whether we ought not so to provide as to prevent injustice in future.

The HON. MR. MACAULAY said that he had intended only to offer a brief explanation with reference to a remark which had been made by the Hon. Mr. Beverley. He could not, however, refrain from noticing the speech which had just been delivered by the Hon. and learned Advocate-General. A

great deal of what had been said by the Hon. gentleman might with consistency have been said on a previous occasion, but it had no connection with the subject now under consideration. The Hon. gentleman had referred to an expression used by him (MR. MACAULAY) and concurred in by his Hon. friend Mr. Reynolds in the course of a previous debate, and characterized it as irrelevant to the amendment before the Council. He thought the irrelevancy lay wholly with the Hon. and learned gentleman himself. He was astonished that the Hon. gentleman had not observed that the expression had no reference whatever to the present amendment. He had said that the amendment previously proposed by his Hon. friend Mr Alexander, with the view of protecting manufacturing premises only, would be a piece of class legislation. He contended that this would be a correct description of it. It would have protected a jute mill, but would not have protected a building used as a store or warehouse. The present amendment, however, had no reference whatever to class, but would apply to all buildings alike. Why the Hon. gentleman should think it necessary to support it by denouncing an expression used in regard to a wholly different matter, he could not understand. He had said nothing whatever about Europeans and Natives, and had not referred to class legislation in any such sense.

With reference to the Hon. Mr. Beverley's remarks that he had overlooked the fact that the figure given by Messrs. Mackinnon, Mackenzie and Co. was the rate at which the mill might be assessed, not under the old law, but under the present Bill, MR. MACAULAY said that he was well aware that the petition referred to the present Bill. But that only made the case stronger. In the old law machinery was not excluded, and a rate of $7\frac{1}{2}$ per cent. for valuation was not fixed. All was left to the discretion of the Commissioners. According to the valuation given by Messrs. Mackinnon, Mackenzie and Co., they might have charged over Rs. 9,000 at $7\frac{1}{2}$ per cent., had the cost of the machinery been included. The Commissioners only charged Rs. 1,006.

The HON. MR. DAMPIER said in reply:—When in an unguarded moment I threw out a suggestion which I hoped would smooth matters between those who were represented by Mr. Alexander's amendment and the general sense of the Council, I little knew what I was undertaking. I expected that my suggestion, if adopted at all, would be taken up and the details worked out by some Hon. Member who identified himself with the views which the Hon. Mr. Alexander's amendment represented. But that Hon. Member has left the Council, and circumstances have thrown it on me to carry my suggestion through its details. I feel something in the position of Sir Isaac Newton's dog: "thou little knowest what thou hast done, Diamond." I can only say that I shall collect all the statistics I can in the very short time which is allowed me for a conclusion to be arrived at by the Council, so far as it affects the income of Municipalities.

The Hon. Mr. Macaulay.

As to the principle which has been advocated to-day in some of the speeches, that the assessment on holdings occupied for industrial purposes should be lower than that on domestic holdings, I hope that any Hon. Member who wishes to press it will put it in the shape of an amendment of which perhaps more than two hours' notice will be given to the Council.

I omitted at first to mention that, in making what enquiries I have, I have been much assisted by my Hon. friends Mr. Beverley and Mr. Miller, the latter of whom has been the channel of communication with the private firms from whom I sought information.

And lastly, I have to say as to the statement that no hardship had been done under the existing law, that it must be remembered that under the law as it exists, if anything unreasonable had been done, the Government of Bengal, which has been my panacea throughout, would have known how to deal with individual cases of hardship and apply a remedy, whether by way of exercising its influence, or in the exercise of its constitutional powers. The Hon. Member opposite (Babu Harbans Sahai) has told the Council that it is necessary to provide checks against arbitrary and unreasonable action of the Municipal Commissioners in respect to their Chairman. If such conduct can be anticipated, how much more necessary must it be to provide safeguards against it where it affects the rate-payers? The Bill is giving very arbitrary powers to the Commissioners without leaving to individuals any right of appeal. When you say that the letting value of such large buildings, which are adapted to special purposes only, is to be the measure of assessment, it is only a euphemious way of saying that the rate shall be assessed on any sum which the Commissioners choose to name as the letting value, against which no constitutional remedy is given. Therefore, it is, and I think not unreasonably, that some of those who are subject to the tax say "if you do not give us the protection of appeal to an independent authority in the matter of assessments, give us some safeguard in the Bill itself." In matters of revenue settlement by officers who are not connected in any way with the department which spends the money derived from these assessments, we are told daily that the revenue officers are nevertheless biased, and that the Munsiff is the only man who can be trusted to judge of the fairness of assessments because he has no bias. Now, if revenue officers who have no interest, either official or personal, in the amount of revenue assessed by them (except in so far that the lighter the assessment, the less trouble there is to them in collecting the rents or revenue which they have to hand over to the Financial Department) are not to be trusted as being biased, it must be admitted that Municipal Commissioners are much more interested in making assessments, and in getting as much money as possible to spend for the benefit of the Municipality, and therefore it must be still more dangerous to trust them with arbitrary power.

His Honor the President said:—I understand that it is the wish of the Council that the question which has been raised upon the amendment should stand over for decision till next week, and that the week should be employed

in securing further information or a series of further information both as to the figures and facts elicited in the important question which is now under consideration. I am sure I may add that I am very glad that the discussion of to-day has taken place, as it has elicited earnest, independent, and able speeches on a Bill which is of very great importance indeed; and though I reserve my own judgment till we have heard further discussions upon later facts and figures, I am bound to say that my own feelings are in favour of the argument which has been commonly pressed by some Hon. Members to-day, and that the objection as to the impoverishment of Municipalities does not carry with it much weight. I do not see that we have only to look to Municipalities being supplied with funds; if these funds are based on a system of assessment or rating which creates friction, and if there is injustice in that form of assessment, we shall be obliged to limit the powers which they are now able to exercise, and we will be right in doing so, either by some limitation as to the amount of assessment which they can impose or by some form of appeal to a higher or different authority which will be able to protect individual assessees from the exercise of arbitrary powers in this way. I hope, however, that the whole question will be settled and come to an end by next Saturday, and with the disposal of that question and the cognate question connected with section 84, and section 6, we shall see the end of this large measure.

The further consideration of setion 100 was then postponed.

The HON. MR. DAMPIER moved that the following new section be inserted after section 103:—

"If the annual value of any holding assessed under this Part shall exceed the amount of rent payable by the occupier to the owner, the owner may in such case recover from the occupier the difference between the sum assessed upon him and the sum at which he would have been assessed had he been rated only upon the amount of rent actually payable to him, and such difference shall be added to the rent payable by the occupier, and shall be recoverable by the owner from him."

He said that in the existing Act and in the Bill as it stood the rate on the assessment value was payable by the owner of the holding. That had been the law in the Mofussil since 1876. Before that there was only an assessment payable by the occupier Suppose A. was the proprietor of land on which stood a building. He gave a long lease, say of 30 years, at a low rate of rent—the rent which prevailed at the time of giving the lease. The value of premises had been increasing very rapidly in some Municipalities, and when the Commissioners now came to assess the property they would assess it at its present value, and the owner would have to pay the rate on a much higher valuation than was represented by the rent which he was receiving on the long lease which he had given. He thought it was obviously unfair that one man should enjoy the benefit of the increased value of property and another man should have to pay the higher rate of taxation. The amendment which MR. DAMPIER proposed would affect only contracts made before 1876. The amendment, as it was drawn, might however disturb the division of profits as arranged by contracts made after 1870, if they were made on

The President.

the presumption that the owner would have to pay on the increased rate of taxation that might be afterwards payable; and therefore to get over that difficulty he proposed, with the permission of the Council, to add to the amendment the following proviso:—"Provided that this section shall not apply to any holding which at the time of passing this Act might be held by the occupier on a rent which was determined after the passing of the Bengal Municipal Act, 1876." MR. DAMPIER found he had to correct himself. A rate on the assessment on holdings had been in force in a few Municipalities since the passing of the District Municipal Improvement Act, 1864, and the wording of the proviso would have to be reconsidered with reference to this

The HON MR. REYNOLDS said he could not agree to the proposed new section. He thought the Council ought not to be asked to pass an amendment of this kind, unless some representation had been made to it that owners of property were injuriously affected by the working of the law. The Hon. Member wished to insert this section, which was taken from section 90 of the Calcutta Act, merely because it might be assumed that the Legislature had accepted the justice of the principle; but the course which the Hon Member should have taken was not to insert the section after section 103 of this Bill, but in lieu of that section. Section 103 reproduced the essence of section 90 of the Calcutta Act. Mr. Reynolds could not say that he had taken into consideration the contingency which the Hon. Member put before the Council of a long lease of thirty years, because such leases were by no means common; the common case contemplated by section 103 was the letting of land for building purposes, and as regards such cases it was provided that the shares to be borne by the two parties should be determined by the Commissioners. The amendment, as he had suggested to the Hon. Member, would interfere with existing contracts, and therefore he could not support it. But the Hon. Member wished to add a proviso which would save existing contracts. In that case the proposed section seemed unnecessary, because, if the Legislature was not going to interfere with existing contracts, future contracts would be made with the knowledge that the specific provisions of the law would apply.

The HON. MR BEVERLEY said he would vote against the amendment on the ground that it was opposed to the principle of the Bill which threw on the owner the liability to pay the rate. The amendment assumed that in every case the owner really recovered from the occupier the amount of the rate paid by him, but that was an assumption which was not borne out by enquiries made in other countries. The Select Committee of the House of Commons appointed in 1870 to enquire into the question of local taxation in England, which was known as Mr. Goschen's Committee, examined very carefully into this point, and they reported as follows:—"Your Committee have examined many witnesses, and received at their hands very conflicting opinions as regards the proportion in which the burden of rates at present falls relatively on owners and occupiers"; and although they made a recommendation that the

rates should be levied partly on the owner and partly on the occupier, that recommendation was made with the view that both classes should be represented in Local Self-Government. Under this Bill there are other rates which fall upon the occupier.

After some conversation the HON. MR. DAMPIER withdrew the proviso which he proposed to add to the section, and the original motion was put to the vote and negatived on the following division:—

Ayes 3.	*Noes*, 8.
The Hon. Mr. Miller.	The Hon. Kumar Boykontonath Dé.
,, Mr. Dampier.	,, Chunder Madhub Ghose.
,, the Advocate-General.	,, Harbans Sahai.
	,, Mr. Beverley.
	Col the Hon. S. T. Trevor.
	The Hon. Mr. Macaulay.
	,, Mr. Reynolds.
	,, the President

The further consideration of the Bill was postponed.

The Council was adjourned to Saturday, the 15th March

Saturday, the 15th March 1884

Present

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL. *President.*
The HON. G. C. PAUL, C.I.E., *Advocate-General*
The HON. H. L. DAMPIER, C.I.E.
The HON. H. J. REYNOLDS.
The HON. C. P. L. MACAULAY.
COLONEL the HON. S. T. TREVOR, R.E.
The HON. H BEVERLEY.
The HON. A. B. MILLER.
The HON. CHUNDER MADHUB GHOSE.
The HON. HARBUNS SAHAI.
The HON. KUMAR BOYKANTONATH DE.

CALCUTTA TRAMWAYS.

COLONEL THE HON. S T. TREVOR moved that the report of the Select Committee on the Bill to amend the Calcutta Tramways Act, 1880, be taken into consideration in order to the settlement of the clauses of the Bill, and that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

COLONEL THE HON. S. T. TREVOR said he had to ask the permission of the Council to move a small verbal amendment, of which unfortunately notice had not been given, because the necessity for it was only brought lately to his notice. The Select Committee in their report said:—"We deemed it desirable that the provisions of the Bill should not apply to the Fort, and have amended the definition of the word 'Calcutta' in section 2 with the object of giving effect to this conclusion." The alteration which the Committee had made consisted simply in the addition of the words "but not Fort William" at the end of section 2. "Fort William" was rather an elastic term. Sometimes it included only the Fort, and sometimes it included the Esplanade and the Fort. As the object of the Bill was to exclude only the Fort, but to include the Esplanade, he moved, with the view of making that perfectly clear, to insert the words "the area included within the fortifications of" after the word "not" in line 5 of section 2.

The motion was put and agreed to, and the Bill as amended was passed.

AMENDMENT OF THE CALCUTTA MUNICIPAL ACT.

The HON MR. MACAULAY moved for leave to introduce a Bill further to amend the Calcutta Municipal Consolidation Act, 1876. He said that the application which he had the honour to make was based in a great measure on the circumstances which he had detailed to the Council some months ago, when he asked for leave to introduce a Bill to provide for the supply of filtered water for the Suburbs. He then explained that a scheme had been adopted for doubling the filtered supply of the town and providing a supply of 4,000,000 gallons for the Suburbs. He need hardly say that the carrying out of such an undertaking must necessitate the raising of a large money loan; and as the present condition of things was unfavourable to such an operation being carried out in India, the Commissioners had applied to the Government for permission to enlarge the area of their borrowing operations in order to enable them to raise a Sterling loan in the English market. As the law stood, the Commissioners were only able to contract for rupee loans, and until the law was altered no action whatever could be taken in the direction desired. He was not then concerned with the general policy of raising Sterling loans for Indian public works: the decision on that point rested with the Secretary of State. He would now merely ask the Council to remove the legal disability and assimilate the Calcutta Municipal law to the Port Commissioners' Act, by providing that the Commissioners should not be debarred from borrowing out of India in Sterling currency should the Supreme Government give permission to do so.

The motion was agreed to, and the rules having been suspended, the Bill was read in Council and referred to a Select Committee consisting of the Hon Messrs. Reynolds, Chunder Madhub Ghose, and the Mover.

BENGAL MUNICIPALITIES.

On the motion of the HON. MR. REYNOLDS the clauses of the Bill to amend and consolidate the law relating to Municipalities was further considered.

The HON. THE ADVOCATE-GENERAL said he had been considering the definition of "holding" further, and it appeared quite clear that, under that definition, three conditions must be satisfied to constitute a place a holding,—the land must be held under one title or agreement; it must be surrounded by one boundary, or, more properly speaking, one set of boundaries; and, lastly, it must be occupied by one person, firm, or family. The definition would not hold good if any one of these conditions remained unfulfilled, as for instance if the land was held by more persons than one not being members of a firm or family. He proposed the definition thus:—"'Holding' means land held under one title or agreement, surrounded by one set of boundaries, and occupied by one or more persons, firm, family, or company."

The HON. MR. REYNOLDS suggested that the last clause of the definition as to occupation be omitted.

The HON. THE ADVOCATE-GENERAL said he had no objection to the amendment suggested; and (after some conversation) he moved the following definition of the word "'holding' in lieu of the definition contained in the Bill:—"'Holding' means land held under one title or agreement, and surrounded by one set of boundaries."

The motion was put and agreed to.

The HON. THE ADVOCATE-GENERAL then moved that the following proviso be added to the definition:—

"Provided that, where two or more adjoining holdings form part and parcel of the site or premises of a dwelling-house, manufactory, warehouse, or place of trade or business, such holdings shall be deemed to be one holding for the purposes of this Act, other than those mentioned in clause (*a*) of section 84.

Explanation.—Holdings separated by a road or other means of communication shall be deemed adjoining within the meaning of this proviso."

He said he had added the explanation to make his intention more clear. The proviso in itself would be of very limited application. As far as section 84 was concerned, the general provision would apply, but in respect of other portions of the Act the definition of "holding" would be controlled by this proviso.

The HON. MR BEVERLEY thought that the difficulty of framing a suitable definition of the term "holding" should suggest the expediency of avoiding the use of the term altogether. For his own part he thought it would be quite possible to avoid the use of the term. Section 84 of the Bill authorized

the Commissioners to impose an alternative too—either a rate on the annual value of all immoveable property within the Municipality, the said rate to be paid by the owner; or a tax upon the occupier according to his circumstances and the property he occupied within the Municipality. As regarded the rate, it was quite immaterial whether the property rated was comprised in one or more holdings, the rate being assessed upon the annual value. As to the tax on occupiers, it was considered necessary to fix a maximum limit, and that limit was fixed at Rs. 84 for each single holding. It thus became necessary to define the term "holding." But section 89 provided that, when a person was assessed at more than Rs. 84 by reason of his occupying more than one holding, he might elect to be rated at 7½ per cent. on the annual value of his holdings; and MR. BEVERLEY would extend this principle. He would abolish the limit of Rs. 84 per holding, and he would allow any person who was dissatisfied with his assessment to claim to have the property occupied by him rated under section 89. It would thus be quite unnecessary to speak of holdings at all; it would be sufficient to substitute the word "property," with possibly the addition of a definition of immoveable property.

After some conversation the Advocate-General's motion was carried on the following division:—

Ayes 7.	*Noes* 4.
The Hon. Harbuns Sahai.	The Hon. Kumar Boykantonath Dé.
,, Mr. Miller.	,, Chunder Madhub Ghose.
,, Mr. Beverley.	,, Mr. Reynolds.
,, Mr. Macaulay.	,, Mr. Dampier.
Col. the Hon. S. T. Trevor.	
The Hon. the Advocate-General.	
,, the President.	

On the motion of the HON. MR. MACAULAY the words "this Act comes into force" were substituted for "passing of this Act" in line 6 of section 13, and the words "not exceeding seven and a half per centum may" were substituted for "seven and a half per centum shall" in lines 7 and 8 of section 88.

The HON. MR. REYNOLDS moved to substitute the following proviso for the proviso to section 84, clause (*a*):—"Provided that the amount assessed on any one person in respect of the occupation of any one holding shall not be more than eighty-four rupees per annum." He said that this amendment was rendered necessary in consequence of the amendment which had been made in the definition of "holding," the effect of which would be to diminish the total number of holdings in Municipalities. There was some danger in retaining the words in the first part of the proviso:—"The total sum to be raised by the tax in any year shall not exceed the sum which would be produced by an average rate of two rupees and four annas per annum for each holding."

The Hon. the Advocate-General said that he thought the amendment unnecessary, because the definition of "holding" did not apply to clause (*a*) of section 84, which imposed a tax upon persons according to their circumstances, and not to the rating of immoveable property.

The motion was put and agreed to, and the section as amended was passed.

The Hon. Mr. Dampier moved that the following paragraph be inserted after the first proviso in section 100:—

"And, further, that where the actual cost so ascertained shall exceed one lakh of rupees, the percentage on the annual value to be levied in respect of so much of the cost as is in excess of one lakh of rupees shall not exceed one-fourth of the percentage determined by the Commissioners under section 101."

He said that this amendment was before the Council at the last meeting, and he promised, with the help of certain Hon. Members, to collect what figures he could to satisfy the Council as to the effect of the amendment on the income of Municipalities. The time which he had had was very short, but the papers which were in his hands were available to Hon. Members who wished to look at them. The conclusion to which he had come was, that it was desirable to put the amendment to the Council. A maximum of assessment on buildings was imposed by the proviso to section 100 as the Bill now stood, and such lower maximum as his amendment proposed would have been unnecessary if anything like an appeal had been provided against over-assessment. The ordinary mode of taxation provided in the Bill was an assessment on the annual value at which holdings might be expected to let. If an appeal had been provided, the Commissioners would have had thrown upon them the onus of showing that the particular holding might reasonably be expected to let at the amount at which they had valued it, and then no further precautions would have been necessary. But there was no appeal, and the valuations upon which some Government buildings had been assessed as being the amounts at which they might reasonably be expected to let were absurd: therefore he thought some check to over-assessment should be imposed in the Bill. The proviso as it stood imposed a limit of taxation so much higher than the actual amount of taxation in general at the present time that he thought that limit would be practically useless as a protection against over-assessment. The effect of the proposed amendment would be to lower the maximum, and in his judgment this further proviso was necessary.

The Hon Chunder Madhub Ghose said the Council would observe that the proviso in the Bill as it now stood was not contained in the present law, which simply provided, as in the first paragraph of the section in the Bill, that the gross annual value at which a holding might be reasonably expected to let should be the annual value thereof, the letting value being taken in

every case to be the *primâ facie* standard on which the assessment should be made. The proviso in the Bill would only come into operation in the event of a dispute arising between the Commissioners and the owner of a holding as regards the real letting value of the holding, but in 99 cases out of 100 the letting value would be taken as the standard. It was only in cases of dispute, that 7½ per cent. on the actual cost of erection of a building would be taken as the letting value. Therefore there seemed to be no cause for apprehension that the proviso would operate injuriously either on the Government or a private individual. But it might be that in the case of large buildings, in regard to which a man had not to pay the same amount as if there were a number of small holdings in the same area, the proviso would work prejudicially. It was from this point of view that he would agree to the amendment before the Council, with the modification that the percentage should be raised to one-half. He must, however, say that the figures which the Hon. Member had placed before the Council were not very satisfactory, and he wished more time had been given to examine them, but on a cursory glance of those figures he was not satisfied that the amendment would not result in a falling off to an appreciable extent of the present revenues of the Municipalities. If the modification he had suggested did not meet the approbation of the Council, he would throw out for consideration another proposal: to remove the hardship of the valuation being taken on the original cost of the building, the valuation might be put at 7½ per cent. of the cost, *minus* the amount of depreciation and the cost value of repairs.

The Hon. Mr. Dampier said, if the proposal to deduct the amount of depreciation from the cost of a building commended itself to the Council, he would not oppose it.

The Hon. Harbans Sahai said he was entirely opposed to the amendment. The figures which had been just supplied to the Council, he must confess, were not very satisfactory, and on those figures he was unable to form any judgment. They did not supply the material and data necessary to come to a correct conclusion. The reason of his opposition to the amendment was that, as a general rule, the annual rent at which any holding might reasonably be expected to let should be taken as the annual value. It was only when the cost of erection could be ascertained or estimated that the annual value of a building was to be taken at a value not exceeding 7½ per cent. on the cost, in addition to a reasonable ground rent. It was not in every case that the Commissioners would ascertain or estimate the cost of erection, but in cases where it was practicable it would be used as a check on the annual letting value. Therefore, he thought the section as it stood was better than the amendment proposed. He did not think the bearing of section 100 was entirely understood.

The Hon. the Advocate-General said that section 100 first referred to holding, and holding meant land. In cases where there were buildings, there would be a further assessment: there was nothing in the section to indicate that the proviso would only take effect where there was a disagreement about the valuation.

The Hon. Mr. Reynolds said the amendment before the Council, he understood, was the amendment of the Hon. Member on his left (Mr. Dampier). He was ready to admit the fairness of the principle of the amendment, namely that when the valuation exceeded a certain sum, which was proposed to be taken at Rs. 1,00,000, then the percentage on the sum in excess should be less, but he was in considerable doubt whether three-fourths was not too large a reduction to make. He understood that the Hon. Mover was not willing to accept the suggestion of the Hon. Member (Babu Chunder Madhub Ghose) that the reduction should be one-half, but he might accept a valuation of one-third on the cost of erection in excess of Rs. 1,00,000. If he accepted that modification, the Hon. Mr. Reynolds would vote for the amendment.

The Hon. Mr. Dampier said that, as far as he could gauge the sense of the Council, he thought he should not be justified in retreating from one-fourth to one-third.

His Honor the President said there were practically three proposals before the Council, but they only referred to the percentage which should be taken—whether one-half, one-third, or one-fourth—as the basis of valuation when the cost of a building exceeded Rs. 1,00,000. He would put the amendment as it stood in the name of the Hon. Mr. Dampier first, which was as follows:—

"And, further, that where the actual cost so ascertained shall exceed one lakh of rupees, the percentage on the annual value to be levied in respect of so much of the cost as is in excess of one lakh of rupees shall not exceed one-fourth of the percentage determined by the Commissioners under section 101."

The motion was carried on the following division:—

Ayes 7.	*Noes* 4.
The Hon Mr. Miller.	The Hon. Kumar Boykantonath Dé.
,, Mr. Beverley.	,, Chunder Madhub Ghose.
Colonel the Hon. S. T. Trevor.	,, Harbuns Sahai.
The Hon Mr. Reynolds.	,, Mr. Macaulay.
,, Mr. Dampier.	
,, the Advocate-General.	
,, ,, President.	

[Mr. Macaulay voted subject to the introduction of an amendment fixing the reduction at one-third.]

The HON. MR. BEVERLEY said that, while discussing this section, he would like to take the sense of the Council on the question of allowing for depreciation in the value of a building. The question had been raised by the Hon. Member on his left (Babu Chunder Madhub Ghose), but he was not prepared to press his amendment on the point. With the permission of the Council, MR. BEVERLEY wished to transfer the amendment to his own name, and moved to insert the words "less the amount of depreciation" after the word "cost" in the 7th line of the first proviso. He thought for himself that the proviso should be restricted to the valuation of buildings, and that no reference should be made in it to the land. But he would not press that point if the Council would agree to make an allowance for depreciation.

The HON. MR. REYNOLDS said he was not prepared to accept the amendment, as he was not sure what the effect of the amendment, if it omitted all reference to land, might be. The amendment would be altogether opposed to the principle on which the proviso was based. The first mode of ascertaining the value of a holding was its letting value, and in that way depreciation would be taken into account, but if the owner was not satisfied with the decision of the Commissioners as to the letting value, he was at liberty to have recourse to the mode of valuation prescribed in the proviso, and that necessitated that the assessment should be on the actual cost of erection. Great advantage had already been given to owners of buildings by the amendment which had just been passed, and he should not have supported it if he had known that this further amendment, allowing a reduction on account of depreciation, was to be proposed. The Hon. Member who had originally suggested this amendment told the Council that it was proposed by him as an alternative to the amendment of the Hon. Mr. Dampier, and therefore to pass it now in addition as a further reduction from the ascertained or estimated cost of a building would not be right. MR. REYNOLDS, therefore, could not agree to the amendment.

The HON. THE ADVOCATE-GENERAL said he thought the amendment very fair. The life of a building in this country, and especially of mills and manufactories, was not very long. He therefore thought it fair that an allowance should be made for depreciation.

The HON HARBUNS SAHAI remarked that, as he had said before, he thought the case was covered by the words "the gross annual rent at which a holding might be expected to be let." A building which had been recently erected would command a higher rent than one which had undergone some depreciation. If the owner objected that the assessment was not made on the amount at which the building might be expected to be let, there was the option given to him of having the assessment made on the cost of erection.

The motion was then put to the vote and negatived on the following division:—

Ayes 4.	*Noes* 7.
The Hon. Mr. Miller.	The Hon. Kumar Boykantonath Dé.
,, Mr. Beverley.	,, Chunder Madhub Ghose.
Col. the Hon. S. T. Trevor.	,, Harbuns Sahai.
The Hon. the Advocate-General.	,, Mr. Macaulay.
	,, Mr. Reynolds.
	,, Mr. Dampier.
	,, the President.

Section 100 as amended was then agreed to.

Sections 1 to 5, and the Preamble and Title of the Bill were agreed to.

The Council was adjourned to Saturday, the 29th March.

Saturday, the 29th March 1884.

Present:

His Honor the Lieutenant-Governor of Bengal, *President.*
The Hon. G. C. Paul, C.I.E., *Advocate-General.*
The Hon. H. L. Dampier, C.I.E.
The Hon. H. J. Reynolds.
The Hon. C. P. L. Macaulay.
Colonel The Hon. S. T. Trevor, R.E.
The Hon. H. Beverley.
The Hon. A. B. Miller.
The Hon. Harbans Sahai.
The Hon. Chunder Madub Ghose.

BENGAL MUNICIPALITIES.

The Hon. Mr. Reynolds said:—I have the honour to move that the Bill to amend and consolidate the law relating to Municipalities be passed. The Bill has occupied the attention of this Council for the greater part of two sessions; it has been very fully discussed both in Select Committee and in the debates which have taken place in this Council-room; and its provisions have been subjected to careful criticism from local Chairmen of Municipalities and from the general Public. I think I may with some confidence ask this Council to pass the Bill as a measure which is calculated to supply a practical and workable scheme of Municipal administration, on the basis of self-government by the people through their elected representatives. On this question of representation I desire briefly to refer to a memorial which was presented by

some members of the Muhamadan community, who seem to think that the scheme proposed in the Bill will not afford sufficient scope for a proper representation of their interests. It would, I think, be a mistake, as a matter of principle, to adopt any plan of separate representatives for different classes of the Public. It is not desirable to accentuate such distinctions, and I see no reason to doubt that the Muhamadans will be represented in due proportion to their numbers and intelligence. If in any case this proportion should not be maintained, it will always be in the power of the Government, which nominates one-third of the Commissioners, to redress the inequality and restore the proper balance. The principle of the Bill is to leave the utmost freedom of action to the Municipal authorities, so long as that freedom is wisely and rightly used. I am not so sanguine as to suppose that cases will never occur of the abuse of the power which this Bill places in the hands of the Municipal Commissioners. But I think that both reason and experience justify us in believing that such cases will not be numerous; that they will become less and less frequent as the principle is recognized, and the lesson learnt, that powers of this kind are a trust for the public good and the common welfare; and I would remind the Council that the provisions of the Bill afford ample security that any partial failures which may attend the earlier period of its working shall not result in serious or permanent injury to the interests which the Bill is designed to protect and encourage. I trust, therefore, that the Council will agree to the motion which I have now the honour to submit.

The motion was put and agreed to and the Bill as amended was passed.

AMENDMENT OF CALCUTTA MUNICIPAL ACT.

The Hon. Mr. Macaulay moved that the Bill further to amend the Calcutta Municipal Consolidation Act, 1876, be taken into consideration.

The motion was put and agreed to.

The Hon. Mr. Macaulay moved that the Bill be passed.

The motion was agreed to and the Bill passed.

HOWRAH AND SUBURBAN POLICE.

The Hon. Mr. Reynolds moved that the Bill to enable the Municipal Commissioners of Howrah and the Suburbs of Calcutta to contribute towards the cost of the Police employed in those Municipalities be passed.

The motion was put and agreed to and the Bill passed.

LOCAL SELF-GOVERNMENT.

The Hon. Mr. Macaulay presented the preliminary report of the Select Committee on the Bill to extend the system of Local Self-Government in Bengal.

In doing so he said:—I desire, on behalf of the Select Committee, to offer a brief explanation upon two points. The first relates to the form of our report. We have purposely abstained from reporting exhaustively upon the Bill. We understand that the Bill was remanded to us merely that it should be so recast as to conform to the orders of the Secretary of State in regard to the system of control,—that the obstacle, in fact, which has hitherto stood in the way of its being reported upon by public officers and public bodies should be removed. We have generally confined ourselves to this duty, except so far as arrangement and phraseology called for alteration. One new matter indeed we have considered which is unconnected with constitution and control—new, that is, as regards the original Bill, but not new as regards the existing Cess Act. This is a proposal of our Hon. colleague, Colonel Trevor, to appoint an Inspector of Local Works in each division, to be paid for by the various District Boards. I may say that we are not agreed upon this proposal, but we have decided to admit it in order that it may be fully discussed. Beyond this we have not specially examined the details of the powers and duties of the authorities under the Bill. We apprehend that it would be premature for us to make even a preliminary report on those details until they have been subjected to that criticism which it was the object of the publication of the Bill last session to invite. Our report therefore is practically a preliminary report upon a part only of the Bill. The second point relates to the extent to which we have found it possible to conform to our instructions As I informed the Council upon a previous occasion, the suggestion of the Secretary of State was that the District Boards should be controlling, and not administrative, bodies. Now it would have been an easy matter to carry out that suggestion had there been any prospect of a regular system of Local Boards being established in every district in the Province. As a matter of fact, however, there are districts in which not more than one Board could be established with any advantage, and in such cases it is obvious the Board must be wholly an administrative Board. The plan adopted, therefore, has been, first to provide for a District Board in every district, and then to provide that, where a Local Board has been established, all or any of the administrative functions of the District Board may be entrusted to it. The District Board will thus be a controlling body, where there are any subordinate bodies for it to control. As there is no motion before the Council, and as, consequently, my Hon. colleagues will have no opportunity of speaking upon the matter regarding which I am now addressing them, it would be unbecoming in me to make any observations to-day upon the general policy of this measure. I think, however, that I may at once claim the sympathy of the Council, and take hope for the future, from the incidents of our proceedings this day. At the commencement of last session two measures of kindred character were projected. One was committed to the able guidance of my Hon. friend Mr. Reynolds: the other was entrusted to me. Their fates so far have been very different.

The Hon. Mr. Macaulay.

The same day which has seen the Municipal Bill leave this Chamber with the impress of the assent of its Members, has seen the Local Self-Government Bill only re-enter it. We have heard my Hon. friend claim with just pride to have carried through the Council a sound and workable scheme of municipal administration, based upon the principle of representation. My labours may be said to have but commenced. Those of my Hon. friend are over,—like Antenor after his wanderings, "*nunc placidâ compostus pace quiescit.*" But, Sir, the acceptance of the one measure by this Council is a matter of happy augury for the future of the other, and while sincerely congratulating the Council and my Hon. friend upon the passing of this important measure of municipal reform, I can indulge a confident hope that in the coming session my Hon. colleagues will address themselves to the consideration of the measure in my charge with the same assiduity and with the same enlightened and liberal spirit which have characterised our recent debates, and that, under your guidance and with their support and assistance, I shall be enabled to carry it to an equally successful and an equally gratifying conclusion.

The Council was then adjourned.

PROCEEDINGS

OF THE

COUNCIL OF THE LIEUT.-GOVERNOR OF BENGAL

FOR THE

Purpose of making Laws and Regulations.

Saturday, 6th December 1884.

Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, *President.*
The HON. A. PHILLIPS, *Acting Advocate-General.*
The HON. H. J. REYNOLDS.
The HON. C. P. L. MACAULAY.
The HON. A. P. MACDONNELL.
Colonel the HON. S. T. TREVOR, R.E.
The HON. C. B. GARRETT.
The HON. MOULVIE ABDUL JUBBAR.
The HON. CHUNDER MADHUB GHOSE.
The HON. A. B. MILLER.
The HON. KUMAR BOYKANTONATH DE.
The HON. RAI JOY PROKASH LALL BAHADOOR.
The HON. G. IRVING.

STATEMENT OF BUSINESS BEFORE THE COUNCIL.

HIS HONOR THE PRESIDENT SAID—Gentlemen, there is no particular business before the Council to-day, but only a formal notice to add one or two Members to the Select Committee on one of the Bills now before the Council on account of changes which have taken place in the constitution of the Council since we last met. But, as is usual in the case of the first meeting of this Council, I take the opportunity of bringing before you those measures which in all probability we shall have to consider during this Session. The first of these is with reference to a Bill already before the Council, referring to Local Self-Government. As the Council are aware, there are two measures connected with

this subject, one of which has already become law, namely, that referring to the system of municipal administration in our towns, and I may take this opportunity of saying that, so far as reports have already reached us regarding the operation of the elective system in more than a hundred Municipalities in the country, we have the satisfaction of being able to say that they have been conducted with very general success. Not only has there been an absence of anything like disorder or disturbance, but we find that in almost every place great and animated eagerness has been shown for the privilege of securing a seat on the Municipal Board; that the number of cases in which there have been contested elections has been numerous; that the elections have been carried out with general satisfaction to the people; and that, where dissatisfaction has been expressed, it has been rather in a feeling of disappointment of those who have not been able to find a place on the Municipal Committees. All this I think speaks satisfactorily for the inauguration of the new system of Municipal Administration in these Provinces.

The Bill which has still to be passed, if it does pass into law, is that with reference to the extension of Local Self-Government in our districts, a system for the establishment of Local Boards and Local Unions. That Bill has been already referred to a Select Committee, and, as many Members of the Council know, we have received a preliminary report upon it from the Select Committee at the close of our last Session. The report then submitted, together with the revised Bill, has during the recess been circulated to all Commissioners and other local authorities for an expression of their opinion. Those reports I understand have now all been received, and they will be submitted to the Council and to the Select Committee (to be enlarged now under the next motion to be submitted) for consideration in connection with the Local Self-Government Bill, and I may express the hope that by the end of January next the Select Committee will be able to submit a final report, and that, before the Session comes to an end, we shall be able to put on the Statute Book an Act for establishing the system of Local Self-Government throughout Bengal.

Then there is a small measure in connection with which a Bill will be introduced to consolidate the existing enactments in regard to Ferries. This Bill is necessitated by changes in the practice which now obtains in the administration of ferries, and particularly with reference to the Local Self Government schemes, in which the intention is to transfer the management of ferries generally to the control and supervision of Municipalities and Local Boards and other such institutions. This Bill, like the Local Self-Government Bill, will be in the charge of my hon friend Mr. Macaulay.

Next the necessity for legislation comes before us in connection with the circumstances involved in the construction of large new docks at Kidderpore, which necessitate an amendment of the Calcutta Port Improvement Act. This question has also been under the consideration of Government during the last few months, and on a reference to my learned friend the Advocate-General, I mean Mr. Paul, who is now absent, it was submitted by him, as his opinion, that the provisions of the existing law do not include the construction of such works as the proposed docks at Kidderpore; and again, that the provisions gov-

The President.

erning the borrowing powers of the Port Commissioners, and the security afforded to the present debenture-holders, also require alteration, as at present there are two Acts relating to the Commissioners for the Improvement of the Port of Calcutta, namely, Bengal Acts V of 1870 and IV of 1880, which at present need amendment. It will probably be found convenient to consolidate these Acts into one comprehensive measure, and to take powers to enable the Port Commissioners to carry out these large works of very great importance to the Port of Calcutta, to which I have already referred, I have asked my hon. friend Mr. Reynolds, who is Chairman of the Port Commissioners, to take charge of this Bill, and we can have the assurance that from his accurate knowledge of all the details of the subject, we shall have most valuable assistance in carrying the Bill to a successful issue.

There are two important measures to be presented to the Council which are connected with the Revenue Department of the Government—one is a Bill for the registration of tenures in land; and the second is a Bill for the reorganization of the ancient system of village accountants, who are known to us under the name of the *patwaries* and *canoongoes* of the old Regulations. Hon Members are probably aware that we have in the law of 1876, passed by this Council, an Act which regulates and governs the registration of proprietary estates and proprietary interests in land, but we have nothing which deals with anything below that. On all sides there is a general consensus of opinion that the time has now come when we may proceed to legislate further for the registration of tenures, and the regulation of all subsidiary titles below that of the zemindar and above that of the ryot. I may mention in saying that there is a general unanimity of opinion on the subject; that my learned friend Sir Richard Garth, the Chief Justice of Bengal, with whom I am sorry to find that I differ on many points in connection with the Tenancy Bill now before the Legislative Council of the Government of India, has on this point expressed a very decided and confirmed opinion as to the necessity of such legislation; and with your permission, I will just read a few words which are taken from a note of his, which has already been published, bearing upon this point. He expresses his cordial concurrence with the recommendations which I had the honour to make to the Government of India upon this subject, and his pleasure in finding that it is intended that a registration law should be passed in aid of, or in connection with, the Tenancy Bill. Though I need not read all he has written on the subject, I would ask attention to the following prominent paragraph of his note:—

"Let the proprietors and tenure-holders of every estate be duly registered either in the zemindar's sherishta or in any Government office, let no one but the registered landlords (and I suppose he would also say tenure-holders) be entitled to recover rent from the tenants or ryots; let the tenants or ryots on the other hand be bound to pay their rents to the registered landlords, and to no one else; and let the receipts of those landlords be a good discharge for the rent. A law of this kind, well devised and enforced, would, I am satisfied, be the greatest possible blessing to the agricultural community; it would relieve landlords from most of the difficulties under which they now labour in collecting their rents, and it would relieve tenants, and especially ryots, from the hardship which they continually undergo of having to pay their rents twice over."

It has been computed that there are about a million tenure-holders throughout Bengal. We desire therefore such a law not only in the interests of the general administration, but in the interests of those who have rights in the land. One point which I shall briefly allude to is that, if we can secure such a Bill as will provide for the correct registration of tenures throughout the country, it will also help us very much in that direction in which zemindars everywhere are very keenly interested, namely, the easier recovery of their rents and dues. Until tenures are registered, we cannot give them that assistance; but once we have a proper record of tenures throughout Bengal, there will be no difficulty, but the greatest facility in providing means which will promote the prompt realization of rents I commend therefore this Bill to you in the assurance that it will receive your careful consideration, and that, if the Tenancy Bill which is now under the consideration of the Government of India, is passed on the lines on which it is thought it may be passed, this Bill will be a very useful complement to the legislation which will be passed in the other Council.

The other measure to which I have alluded in connection with our revenue administration is required, as I have said, for the reorganization of the system of *putwaries* and *canoongoes*. All I need say now in reference to that measure is that it is a necessary supplement and a corollary to the Tenancy Bill. We contemplate here to take the first steps towards a proper cadastral survey of all estates and holdings in Behar, and a proper record of rights wherever such survey is made. Everyone is aware, and will admit, that with the completion of a work of such magnitude as a cadastral survey of any part of Bengal, and the completion of a record of rights, we also want an agency competent and trustworthy for the adequate maintenance of that record. If you carry out such a survey, and if you establish a record of rights and have no such agency, in the course of two or three years the whole advantage of a measure which will involve large expenditure and a great deal of trouble will be lost to the country, and our desire is to secure by legislative enactment the establishment of a proper agency, which shall provide chiefly for the maintenance of that record which it is the intention of the Tenancy Bill to carry out; and although it may be a work which may last for many years, I am satisfied that, until we secure the results of that work, we shall have no settlement of the disputes and litigation which are now so common. In support of the view I advocate, I may be allowed to quote an expression of opinion from one who rightly enjoys the position of a very high authority in such matters—I mean Sir Louis Mallet—who, in writing on the subject of revenue administration in India, makes these forcible remarks. He says—"If there is anything that is wanted in India in any investigation of Indian problems, it is an approach to trustworthy and generally accepted facts. There is hardly a subject upon which the authorities do not absolutely disagree as to the fundamental facts." And he goes on at greater length to argue against the repugnance constantly felt in India to the adoption of any adequate measures for the collection of a comprehensive and well digested set of facts as to the recognition of general principles. That which

The President.

we now want for Bengal I may say prevails throughout every other Province in India. Even Burma, our latest acquisition, has partly got, and is still extending, a correct survey and record of rights, and a well organised establishment to maintain that record. In Bengal it is a reproach to the Government, rather than to any one else, that though it is more than ninety years since the Permanent Settlement, we have done absolutely nothing to secure anything like an authoritative, statistical record of detailed revenue administration; and in my opinion, even at this late hour, it is urgently necessary to begin the work. I may in conclusion, with reference to this particular object, say that in the course of the next few weeks we shall have established a department of Agriculture in Bengal. It will be one of the duties of that department, and of the able gentleman whom we are going to place at the head of it, to organize executively the arrangements which we may be able to carry out by the kind of legislation I have referred to; and though it will be a matter of slow growth, still I have no doubt in my own mind that its good results will soon be apparent, and that we shall all—zemindars, tenure-holders and ryots included—recognize the great importance of a law which shall place this difficult subject on a sure and satisfactory footing.

There are one or two minor Bills to which I need not make any special reference. It is possible that before the end of the Session I may call attention to the necessity for legislation in connection with the improvement of the chowkidaree system in Bengal. That also is a subject which has been under the investigation of a very competent Committee, and their recommendations are still under the inquiries of our local officers. If their replies should come before us before the end of the Session, I may have to submit proposals for the improvement of our village constabulary and rural police, to be formulated in a new law amending the present Act of 1870.

In thus placing before you the brief outlines of the Bills which will engage our attention during the next few months, I am sure I shall receive from Hon. Members the assistance which the Government has always received in this Council of a careful and independent consideration of its recommendations, and I hope when the Session closes, I shall be able to congratulate you in having placed on the Statute Book several useful and beneficient measures.

I may mention that the Bill for the registration of tenures will be in charge of my hon. friend Mr. Reynolds, and the Bill for the organization of the *putwari* system will be in charge of my hon. friend Mr. MacDonnell.

The Hon Mr. Macaulay moved that the Hon. the Acting Advocate-General, the Hon. Mr. Garrett, and the Hon. Moulvie Abdul Jubbar, be added to the Select Committee on the Bill to extend the system of Local Self-Government in Bengal.

The motion was put and agreed to.

The Council was adjourned to Saturday the 13th instant.

Saturday, 13*th December* 1884.

Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, *President.*
The HON. A. PHILLIPS, *Acting Advocate-General.*
The HON. H. J. REYNOLDS.
The HON. C. P. L. MACAULAY.
The HON. A. P. MACDONNELL
Colonel the HON. S T. TREVOR, R.E.
The HON. C. B. GARRETT.
The HON. MOULVIE ABDUL JUBBAR.
The HON. CHUNDER MADHUB GHOSE.
The HON. A. B. MILLER.
The HON. KUMAR BOYKANTONATH DE.
The HON. RAI JOY PROKASH LALL BAHADOOR; and
The HON. G. IRVING.

REGISTRATION OF PERMANENT TENURES.

The HON. MR. REYNOLDS moved for leave to introduce a Bill to provide for the registration of permanent tenures. He said:—You explained, Sir, on the last occasion of the meeting of this Council, the objects which this Bill is intended to attain, and its intimate connection not only with the legislation now before the Council of the Governor-General on the subject of landlord and tenant, but also with the question of the performance of a long neglected duty—the establishment and maintenance of a record of rights throughout these Provinces. On this occasion it is only necessary that I should put before the Council the outlines of the scheme by which the Government proposes to effect the objects which it has in view. It is the desire and the intention of the Government to redeem to the utmost the promise which has been made to the zemindars that facilities shall be given them for the realization of their acknowledged rents. Of these rents a large proportion consists of the rents of tenures, and the experience of the working of the *putnee* sale regulation has shown that nothing so effectually secures the punctual payment of rent as a power of summary sale, without the formalities and delays of a suit, whenever the rent is allowed to fall into arrear. It would be impossible, however, for the Government to extend the *putnee* sale procedure to permanent tenures in general, unless such tenures were first registered: and the registration must be not merely in the *serishta* of the zemindar, but a registration in a public office, with proper securities for the interests of all parties concerned. Such a system of registration it is the object of this Bill to introduce.

For the scheme of the Bill, I have been much indebted to the report on the Tenancy Bill by Mr. R. C. Dutt, Collector of Backergunge, and to an

The Hon. Mr. Reynolds.

excellent little pamphlet by Baboo Mohini Mohun Roy, in which he has sketched a plan for the registration and summary sale of tenures, and has also offered some valuable suggestions for simplifying the procedure of the courts in the trial of rent suits. The general proposals of the Bill will be as follows:—Applications for the registration of tenures are to be made to the Subordinate Judge, and may be made by either the zemindar or the tenure-holder. Notice of application will be given to the other party concerned, and also a general notice to all persons interested in the disposal of the case. If it is found that there is no dispute upon any material point regarding the conditions on which the tenure is held, the tenure will be at once admitted to registration: if there are disputes which cannot be summarily settled, issues will be framed and decided as in a regular suit. Whether the register should be kept up by the Court or by the Collector is a point upon which the scheme of the Bill differs from Baboo Mohini Mohun Roy's proposals. The Baboo thinks that the Subordinate Judge should not only decide the disputes, but should keep up the register in his own office. But it appears to the Government that the Collector's office is the proper place for a register of tenures, in the same way as the Collector is the officer who keeps the register of estates. The Bill accordingly provides that when a tenure has been admitted to registration, the Subordinate Judge shall send the necessary particulars to the Collector, who will thereupon enter the tenure in his register.

The provisions for the maintenance of the register by the mutation of names in cases of transfer and succession will be embodied in the Bengal Tenancy Bill now under consideration by the Select Committee. Till the report of the Committee is published, I am not at liberty to say what those provisions are likely to be; but I have little doubt that any plan which the Committee may adopt can be made to fit in perfectly well with the scheme of this Bill. If the Select Committee were to recommend that transfers should be made only by a registered instrument or a public sale, it would be easy to provide that the registering officer, or the officer conducting the sale, shall notify the transfer to the Collector, and that the Collector, if no objections are offered by the parties concerned, shall make the necessary mutation of names.

The next point to be considered is whether this registration of tenures shall be made compulsory, or shall be left optional. There is no doubt much to be said in favour of compulsory registration. For statistical purposes a compulsory system is necessary, as, whatever advantages registration may offer, we cannot hope to get a complete list of tenures unless we not merely permit, but require, all tenures to be registered. On the other hand, we are acting at present on imperfect information: we have only an approximate knowledge of the number of tenures in Bengal: we cannot judge of the proportion of cases in which entries are likely to be disputed, and we risk the danger of the scheme breaking down, if we attempt at once to fix a period within which all tenures must be brought under compulsory registration. On the whole, the Government considers it the safer course to adopt the recommendation of Baboo Mohini Mohun Roy, and (in the first instance at least) to make it optional with

the parties to register their tenures or not. The Baboo thinks that this option will be largely used. "People," he remarks, "will readily come forward to register their own tenures and tenures held under them. Registration offers manifest advantages to both landlord and tenant, which will be quickly perceived and eagerly availed of." I agree with him in thinking that, under an optional system, a large number of applications will be made, but I should expect a much greater proportion to come from the landlords than from the tenants.

The Government, however, does not abandon the hope that a system of compulsory registration may eventually be found possible: and the Bill will therefore give the Government power to declare that all permanent tenures, within a local area to be specified in the notification, must be registered within a certain limit of time, in the same manner as proprietors were required to be registered by the Bengal Land Registration Act of 1876. Where this Chapter of the Bill is in force, the general procedure of the Land Registration Act would be followed, and one local area after another would be brought under the operation of the Chapter, till in the end the compulsory system had been introduced throughout the whole of the Lower Provinces. In such local areas, registration would be enforced by a section disqualifying unregistered tenure-holders from suing for rent.

Such is the general scheme of the measure I ask leave to introduce—a system of optional registration in the Collector's office under orders passed by the Subordinate Judge, with power to the Government to declare that in any local area registration shall henceforth be compulsory. The Government is fully aware that the duty which it thus proposes to undertake is one of great magnitude and considerable difficulty. Judging from the returns, incomplete as they probably are, furnished by the Road Cess papers, the number of tenures in Bengal considerably exceeds one million; and even under a system of optional registration, the work of dealing with the applications which will be made will impose a heavy burden on judicial and executive officers. But it is important to the well-being of these Provinces that the difficulties should be surmounted, and that the labour should be undergone. The registration of tenures is an essential element in the compilation of those agricultural statistics without which the Tenancy Bill will be an incomplete and unfruitful measure; it is to the registration of tenures that we must look for a large mass of useful information for the settlement of disputes, for the quieting of titles, and for the punctual realization of rents. And it will perhaps be found that the difficulties, serious as they may be, are not greater than can be overcome by diligence and method. When the Cess Act of 1871 was under discussion in this Council, it was confidently predicted that the scheme would be found to be unworkable. When the Land Registration Act of 1876 was introduced, it was said that the definition of the interests of all proprietors of land would prove an impossible task. We know now that these apprehensions were unfounded, and our experience of what has been done may well give us courage in attempting what remains to do.

The Hon. Mr. Reynolds.

I now move for leave to introduce the Bill, and, if leave is given, I hope that the Bill, the first draft of which is already in print, will be in the hands of Hon. Members before the next meeting of the Council.

The motion was put and agreed to.

SUBURBAN WATER-SUPPLY.

The HON. MR. REYNOLDS moved that the Hon. Messrs. Garrett and Irving be added to the Select Committee on the Bill to provide for the supply of filtered water within the Municipality of the Suburbs of Calcutta.

The motion was put and agreed to.

The Council was adjourned to Saturday the 20th instant.

Saturday, 20th December 1884.

Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, *President.*
The HON. A. PHILLIPS, *Acting Advocate-General.*
The HON. H. J. REYNOLDS.
The HON. C. P. L. MACAULAY.
The HON. A. P. MACDONNELL.
Colonel the HON. S. T. TREVOR, R.E.
The HON. C. B. GARRETT.
The HON. MOULVIE ABDUL JUBBAR.
The HON. CHUNDER MADHUB GHOSE.
The HON. A. B. MILLER.
The HON. KUMAR BOYKANTONATH DE.
The HON. RAI JOY PROKASH LALL BAHADOOR; and
The HON. G. IRVING.

REGISTRATION OF PERMANENT TENURES.

The HON. MR. REYNOLDS introduced the Bill to provide for the registration of permanent tenures, and moved that it be read in Council. He said:—The explanation which I gave last Saturday of the scope and objects of this Bill seems to render it unnecessary that I should do more on the present occasion than invite the attention of the Council to the Bill which has been circulated to Hon. Members, and ask them to compare its provisions with the statement I made on that occasion. The Bill, after a few preliminary sections, which are taken up with the necessary definitions, is divided into three Chapters. The first Chapter relates to the procedure to be adopted in places in which registration is optional. It provides that application may be made for the registration of tenures either by proprietors of land or tenure-holders, and that it should be made to the Subordinate Judge; and then it makes provision for due notice to

be given to all persons concerned to file any objections which they may wish to put forward; it provides also for summary decision in cases which admit of their being summarily decided, and for the framing of issues for regular decision on such points as are in dispute, and cannot be settled in any other way. The second Chapter prescribes the nature of the registers to be kept by the Collector, and this Chapter applies to registration, both in cases in which registration is optional, and also in local areas in which registration may possibly be made compulsory. The Chapter, as I said, provides for the nature of the registers to be kept up, and it also contains provisions for what is to be done to carry out the mutation of names, in cases of transfer and succession. And with regard to this provision I wish to invite the attention of Hon. Members to sections 25 to 30 of the Bill, and to point out that those sections provide, in the case of the mutation of names, for just as much facility and opportunities being given for putting forward and the hearing of objections, as in original cases of applications for the registration of the tenure itself. From what has passed in another place, I understand that some landlords have felt apprehensions that, under the cover of the mutation of names, claims and documents may be put forward transferring tenures and containing stipulations and conditions which the zemindars might not be inclined to acknowledge, but which nevertheless, unless they objected to them in time, they might be considered to have acquiesced in. These sections therefore provide that, in the case of mutation of names, full opportunity shall be afforded for objections to be made and decided. Then Chapter III provides for the procedure in local areas in which the Local Government may declare that registration shall be compulsory, and these provisions are mainly based on what I may call the corresponding sections of the Bengal Land Registration Act (VII of 1876). The Government is disposed to attach much importance to this measure as a necessary complement to the provisions of the Bengal Tenancy Bill. If, indeed, we possessed in the Lower Provinces a complete record of rights, such as has been framed in other parts of Northern India, it might not be necessary to legislate specially for the registration of one class of tenancies. Possibly some of the present generation may survive to see the day when we shall have in every village and estate of Bengal a record of the rights and interests of every class of the agricultural population, from the zemindar down to the humblest tenant. But that time, though it may one day come, is certainly still very distant. The work will be one of great labour and expense, and the agency for establishing and maintaining the record has still to be created. In the meantime this Bill will in some measure supply, for one numerous and important class of tenancies, what I hope may eventually be attained for all. The registration of permanent tenures will afford much valuable information regarding the economic conditions of the country, the different gradations of landlords, and the extent to which sub-infeudation has been carried; it will facilitate the settlement of many disputed questions; and it will enable the Government to afford substantial assistance to proprietors in the recovery of their rents.

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The HON. JOY PROKASH LALL said:—I beg with the permission of the President to make a few observations on that section of the Bill which contains a definition of "permanent tenure." Your Honor must be aware that there are in Behar occupancy rights which are heritable and by custom transferable. Then there is the *guzashta* tenure, which is heritable and also transferable, but liable to enhancement of rent. These rights are not yet recognized by law; the people of Behar would therefore wish to know whether this Bill will treat such tenure-holders as *mokuraridars* and *muafidars*, and the like. But if the Bill goes further than that, and the tenures to be affected are not well defined, great litigation and expense will follow, and both the Government as well as the people will be affected. I have nothing further to urge, except to repeat that the nature of the tenures in Bengal and Orissa are different from those in Behar.

The HON. MR. REYNOLDS said in reply:—I understand the Hon. Member not so much to object to the provisions of the Bill, as to complain that some of the definitions contained in it are not sufficiently clear and precise. With regard to what he said on the question of *guzashta* tenures, I would ask him to refer to the definition of "tenure" which has been drafted in accordance with the Land Registration Act of 1876, as including every interest in land, except estates and the interests of raiyats or under-raiyats. Now, as I understand, these *guzashta* tenants are admitted to be raiyats, although raiyats having rights and privileges, such as fixity of tenure and perhaps also fixity of rent; but I never understood that it was claimed for them that they possessed any other rights than those of raiyats. In that case it is clear that they will not come under the definition of the Bill at all. But there are holders of other tenures to which I understand the Hon. Member to refer, such as *mokuraridars* and *muafidars*, which do come under the definition. Tenures, such as *ijaras*, which are not of a permanent nature, do not come under it.

HIS HONOR THE PRESIDENT said:—I understand the Hon. Member to say that his objections rather refer to the circumstances and condition of things in Behar, as being different from those in Bengal, and that possibly, unless those circumstances and conditions are borne in mind, there might be a difficulty as regards the particular definition of "tenure" in this Bill. The Hon. Member also referred to certain special tenures in Behar, but from the difficulty I experienced in hearing what he said, I am not in a position to discuss the question As, however, the name of the Hon. Member is proposed to be placed on the Select Committee to which the Bill will be referred, no doubt the objections which he suggests will be fully considered in Committee.

The motion was then put and agreed to, and the Bill referred to a Select Committee consisting of the Hon. Mr. MacDonnell, the Hon. Mr. Garrett, the Hon. Moulvie Abdul Jubbar, the Hon. Joy Prokash Lall, and the Mover.

STEAM-BOILERS AND PRIME-MOVERS.

The HON. MR. REYNOLDS moved for leave to introduce a Bill to amend Bengal Act III of 1879. He said:—This Act of 1879 is an Act

for the Inspection of Steam-boilers and Prime-movers, and extends to the town and suburbs of Calcutta and the town of Howrah. It does not apply to locomotive steam-engines or to steam-vessels. The Act provides that no boiler or prime-mover shall be used without a certificate granted under the Act, and in force at the time being; and it further provides for the appointment of Inspectors who, under section 5, are required carefully to examine boilers and prime-movers in every part thereof, and it requires the owner to afford all reasonable facilities for such examination, and all such information as may reasonably be required. But in point of fact, I understand that this provision of the law is not literally carried out; the inspection is practically limited to boilers and does not extend to prime-movers. The Boiler Commissioners some time ago brought the matter to the notice of the Government, and pointed out that the Act is not complied with, and that to carry out its provisions will cause very serious difficulty and inconvenience. They explain that, when a boiler has to be inspected, it can very easily be cooled down, and the examination and inspection can be made without interfering with the course of business in general, and the working of the mill or other factory. But this is not the case if the prime-mover has to be examined. The examination of the prime-mover, if it is to be anything more than a mere examination only in name, if it is to be such an examination as is referred to in section 5, will involve the stoppage of work, and will also possibly involve the taking of the engine to pieces, or at any rate the dismantling of it to a certain extent; and that will be a serious inconvenience, not only to mill-owners and persons of that kind, but to the community in general. They point out that this provision of the law will apply also to the engines and pumps used in the water-supply of Calcutta, and that if the examination of the prime-movers attached to them is to be made, the Public may some day find themselves without water; and they add that there is really no great necessity for a minute examination of prime-movers, and that if an accident happened to prime-movers it would not have anything like the same disastrous effect as the explosion of a boiler. They further state that the prime-movers are in charge of qualified Engineers who thoroughly understand every part of the machinery, and have every inducement in their own interests and reputation to see that their engines are really in good order. The Boiler Commissioners recommend that rules should be laid down for putting engines and boilers in charge of qualified persons, and that certificates of competency should be given to such persons by some authority recognized by Government. These opinions of the Boiler Commissioners were referred for the special opinion of various bodies of mill-owners and of the Chamber of Commerce, and the opinion of those bodies was unanimous—*first*, that there was no real necessity for the examination of prime-movers; and *secondly*, that such examination would cause very serious inconvenience and expense to the persons concerned. I had occasion, in connection with this subject, to look at the provisions of the corresponding Acts of the other Presidencies, and I found that the wording of the Bombay Act is very much the same as the wording of our own Act, and I understand that this

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difficulty has not been felt in Bombay; but whether the examination in such detail as is required by our law is there carried out or not, I am not in a position to say. The Act of 1882, which was passed for British Burma, is of a very different character. It requires prime movers to be examined just in the same way as the Bengal Act does, but it also provides for the granting of certificates of competency to the Engineer in charge, and declares that the certificate of the Engineer as to the condition of the engine shall be accepted when granted on such authority. The actual recommendation of the Boiler Commissioners is that the Act shall be modified by omitting the words "prime-mover" in those sections of the Act where it occurs. I think it may perhaps be a further question whether it will not be well to adopt the same system as in British Burma, and to retain power for the inspection of prime-movers, and at the same time give a certificate of competency to the Engineer in charge. That, however, is a matter which may be considered hereafter. The motion being now merely for leave to bring in a Bill, it involves only the recognition by the Council of the necessity for some legislation on this subject.

The motion was put and agreed to.

KIDDERPORE DOCKS.

The Hon. Mr. Reynolds moved for leave to introduce a Bill to enable the Commissioners for making Improvements in the Port of Calcutta to provide docks in the Port. He said:—I believe it is unnecessary to detain the Council with any lengthy history of the circumstances which have led to the proposal for the introduction of this Bill. Some of those present may remember the state of Calcutta before 1870, when the present Port Trust was established. At that time it is hardly too much to say that there were no jetties, no wharves, and no appliances for the landing and shipping of goods; but since the constitution of the present Port Trust in 1870 very great progress has been made. There are now eight jetties supplied with export and import warehouses, and having a large number of hydraulic cranes and steam cranes, and there is also a floating steam crane capable of lifting 30 tons. There is also a continuous line of wharves along the foreshore, and a tramway that connects the jetties with the Eastern Bengal Railway; and while giving all these advantages, the Port Commissioners have been able entirely to abolish port dues in Calcutta, and to effect a substantial reduction in the cost of pilotage, and at the same time to maintain the survey, buoyage, and lighting of the river in a more efficient state than has ever been done before. But with all their efforts, the Port Commissioners are unable to keep up with the growing requirements of the traffic. The eight jetties which have been provided afford accommodation to about 200 vessels in the year, but we require space for about five or six times that number. The gross tonnage of the Port has increased during the last five years in round numbers from about 1½ millions to 2 millions of tons; the exports have increased from 1¼ millions to 1¾ million tons; and the annual downward traffic of the East Indian Railway, which was under half a million tons during the five years ending with 1875, during the next period of five years reached nearly a million

tons, and at present, perhaps, if it has not actually reached it, must be near upon 1½ million tons. The further extensions of the railway system, some of which have already been constructed, some of which are in progress, and some of which still remain to be undertaken, will all tend to the same result—the result of pouring into Calcutta a daily increasing mass of goods, for the handling and transport of which new and extended appliances will be necessary. These considerations led the Government in 1882 to appoint a Committee to report on the advisability of constructing docks at Diamond Harbour to relieve the trade of the Port. The majority of that Committee reported in favour of the construction of docks at Diamond Harbour, but the mercantile members of the Committee opposed the scheme on the ground of the inconvenience that would arise to the ordinary course of business, owing to the distance of the docks some 35 or 40 miles from Calcutta. It appeared that those objections were felt, not only by the mercantile members of the Committee, but were also endorsed by the Chamber of Commerce and the mercantile community in general. The Government therefore resolved not to act on the recommendations of the majority of the Diamond Harbour Docks Committee, and in 1883 a fresh Committee—a joint Committee of the Port Commissioners and of the Chamber of Commerce—was appointed to consider the general question of extending and strengthening the accommodation for the shipping in Calcutta. That Committee submitted a very admirable and exhaustive report, in which they reviewed all the circumstances of the case. The first point which they considered was, whether it is desirable to extend accommodation by adding to the number of jetties, or by constructing docks, and for reasons set forth in their report, one of which is the greater protection afforded by docks against cyclones, they considered docks in every way preferable to adding to the number of jetties. Then there was the question where the docks should be constructed, and various sites were considered, and the conclusion of the Committee was that Kidderpore is the most favourable site for the proposed docks. The report of the Committee was submitted to several experts, both in England and this country; it was approved by the Government of Bengal, recommended by the Government of India, and has been sanctioned in all essential particulars by the Secretary of State. It having been determined then that docks should be constructed at Kidderpore, the question arose, what official or body of officers should be entrusted with the construction and management of the docks? and the Government had the choice of several alternatives; they might have kept the docks under the Marine Department of the Government itself, or they might have created a new body of Dock Trustees, or they might have entrusted the construction and management of the docks to the existing Port Commissioners. The decision the Government came to was, that the Port Commissioners should be entrusted with the duty, and perhaps I may be permitted to say, although a Port Commissioner myself, that this was determined upon owing to the confidence which the management of the present Trust by the Port Commissioners has excited both in the Government and the mercantile community in general, but it was also almost a necessary conclusion in consequence

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of the intimate connection between the existing works of the Port Commissioners and their proposed extension by the construction of new docks. The new docks and the present jetties are intended to be connected by a tramway, and the whole will be worked as one concern by the Port Trust. Then a further difficulty arose, viz. that the Government were advised that the Port Commissioners, under the existing law, had no power to construct docks. The hon. and learned Advocate-General (Mr. Paul) came to the conclusion that the construction of docks was clearly outside the provisions of Act V of 1870, and as the Port Commissioners are unable to construct docks, it is clearly out of their power to raise a loan for the purpose. It was therefore considered necessary to introduce a Bill to enable the Port Commissioners to construct docks and raise a loan for that purpose. The proposed Bill has been circulated, and is in the hands of Hon. Members, and I will just point out that it is nothing more than an enabling measure; it enables the Commissioners to construct and maintain docks, to raise a loan for the purpose, and to levy tolls and charges which have been approved by the Local Government and published in the *Calcutta Gazette*. And with regard to the form which the measure has assumed, I may explain that it was intended at first to introduce a consolidating Act bringing together all the various provisions of law relating to the Port Commissioners into one enactment; and that, no doubt, is a work which must be undertaken before long. Act V of 1870 has already four amending Acts, and it is very desirable to consolidate them; but such a consolidation of the law would involve a great deal of delay. It is therefore now proposed only to pass a short enabling measure to provide for the present difficulty.

As a summary of the whole question, I believe I cannot do better than read to the Council, if it will permit me to do so, the concluding words of the despatch in which the Government of India recommend the adoption of this scheme to the Secretary of State. They said:—

"In conclusion, we would observe that the pressing need of improved facilities for the increasing trade of Calcutta cannot be too strongly insisted upon The trade is rapidly expanding, and there is probably no public work on this side of India at the time which can be said to be as important as the Calcutta Port Improvements The construction of docks will undoubtedly give great facilities, now wanting, to Calcutta merchants in the prosecution of their business, the process of loading and unloading cargoes will be considerably expedited, goods will be better and more conveniently warehoused, and the sorting and cleaning of the wheat before shipment will be promoted; while the general concentration of business will be a welcome relief to those concerned with trade and shipping. The measure now proposed is formally supported by an absolute consensus of official and non-official opinion, and has the entire approval of the local commercial Public. We trust therefore, that we may be favoured with sanction to its being undertaken at the earliest practicable date."

These are the grounds on which the Government of India recommended the adoption of this scheme, and it is on these grounds that I now ask the Council to grant leave for the introduction of the proposed Bill.

The motion was put and agreed to.

His Honor the President said:—I think it necessary to explain that it is desirable that the form in which the Bill has been drawn up should be considered both by the Local Government and also by the Government of India; therefore, before we proceed to the next motion on the paper to introduce the Bill, we should submit the papers on the subject, and the Bill which has been drafted, for the consideration of the Government of India. I hope their approval of the form in which the Bill has been prepared will be received in time to enable us to proceed with the Bill at the next meeting of the Council. Therefore the two remaining motions in the name of the Hon. Mr. Reynolds will be postponed to the next meeting.

The Council was adjourned to Saturday, the 3rd January 1885.